

COURT OF APPEALS OF THE STATE OF NEW YORK

Cantalino v. Danner

96 N.Y.2d 391, 754 N.E.2d 164, 729 N.Y.S.2d 405 (2001) · Decided June 28, 2001

SUMMARY

The New York Court of Appeals held that a criminal case dismissed in the interest of justice may constitute a favorable termination for purposes of a malicious prosecution action when the circumstances are not inconsistent with the accused’s innocence. Because the criminal court dismissed the charges as groundless rather than out of mercy or compromise, the court reinstated the plaintiff’s malicious prosecution claim.

CASE DETAILS

COURT	Court of Appeals of the State of New York
WRITING FOR THE COURT	Chief Judge Kaye; Judge Smith; Judge Levine; Judge Ciparick; Judge Wesley; Judge Rosenblatt; Judge Graffeo
JURISDICTION	New York
DECIDED	June 28, 2001
DISPOSITION	reversed
PROCEDURAL POSTURE	Plaintiff brought a malicious prosecution action after criminal charges against her were dismissed in the interest of justice. Defendant moved for summary judgment, Supreme Court denied the motion, and the Appellate Division reversed and dismissed the complaint. The Court of Appeals reversed the Appellate Division and reinstated the malicious prosecution claim.
STANDARD OF REVIEW	Review of the grant of summary judgment; whether the criminal proceeding terminated favorably for purposes of malicious prosecution was determined as a matter of law from the circumstances and stated reasons for the dismissal.
PRECEDENTIAL VALUE	Published precedential opinion of the New York Court of Appeals
PARTIES	Jo-Ann Cantalino v. Jacqueline Danner

TOPICS

- malicious prosecution
- torts
- criminal procedure

PRACTICE AREAS

torts

malicious prosecution

criminal procedure

summary judgment

QUESTIONS PRESENTED

1. Whether a dismissal in the interest of justice constitutes a favorable termination for purposes of a malicious prosecution action when the reasons for dismissal are not inconsistent with the accused's innocence.
2. Whether *Ward v. Silverberg* established a per se rule that a dismissal in the interest of justice can never constitute a favorable termination.
3. Whether *Ryan v. New York Telephone Co.* foreclosed treating the dismissal as a favorable termination.

HOLDINGS

1. A dismissal in the interest of justice constitutes a favorable termination for purposes of a malicious prosecution action when the circumstances and stated reasons for the dismissal are not inconsistent with the accused's innocence. Because Criminal Court dismissed the charges as groundless and expressly relied on the absence of criminal intent, Cantalino's dismissal qualified as a favorable termination.
2. *Ward* did not establish a per se rule that a dismissal in the interest of justice can never be a favorable termination; the inquiry is case-specific and turns on whether the particular disposition was inconsistent with the accused's innocence.
3. *Ryan v. New York Telephone Co.* did not decide whether a dismissal in the interest of justice constitutes a favorable termination for malicious prosecution purposes and therefore did not require dismissal of Cantalino's claim.

KEY QUOTATIONS

“any termination of a criminal prosecution, such that the criminal charges may not be brought again, qualifies as a favorable termination, so long as the circumstances surrounding the termination are not inconsistent with the innocence of the accused.” (395)

“Contrary to the Appellate Division's holding, Ward did not establish a per se rule that a dismissal in the interest of justice can never constitute a favorable termination.” (397)

FACTUAL BACKGROUND

During a contentious divorce proceeding, Cantalino attempted to serve her husband with court-ordered papers by nailing them to the door of his home. An altercation occurred with Danner, the husband's girlfriend, who called the police and accused Cantalino of pushing her and threatening her with a hammer. Cantalino was arrested and charged with assault, menacing, criminal possession of a weapon, criminal mischief, and harassment. Criminal Court dismissed the charges in the interest of justice, stating that the charges were groundless and that Cantalino lacked the requisite criminal intent.

PROCEDURAL HISTORY

Criminal Court dismissed the charges against Cantalino in the interest of justice, expressly finding that the charges were groundless and that the prosecution was inconsistent with the facts indicating her innocence. Cantalino then sued Danner for malicious prosecution. Supreme Court denied Danner's summary judgment motion; the Appellate Division held that the dismissal was not a favorable termination and dismissed the complaint. The Court of Appeals reversed and denied the summary judgment motion.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The order of the Appellate Division was reversed, defendant's motion for summary judgment dismissing the first cause of action was denied, and plaintiff's malicious prosecution claim was reinstated.

CASES CITED

- Smith-Hunter v. Harvey, 95 N.Y.2d 191 (2000)
- Broughton v. State of New York, 37 N.Y.2d 451, 457 (1975), cert. denied sub nom. Schanbarger v. Kellogg, 423 U.S. 929 (1975)
- Ward v. Silverberg, 85 N.Y.2d 993, 994 (1995)
- Halberstadt v. New York Life Insurance Co., 194 N.Y. 1, 11 (1908)
- Ryan v. New York Telephone Co., 62 N.Y.2d 494 (1984)
- People v. Cantalino, 166 Misc. 2d 624 (Crim. Ct. 1995)