

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,  
SECOND JUDICIAL DEPARTMENT

People ex rel. Fankbonner v. Toulon

2020 NY Slip Op 07906 (App. Div. 2020) · No. Suffolk County Docket No. CR-032562-20SU · Decided  
December 23, 2020

SUMMARY

The Appellate Division, Second Department sustained a writ of habeas corpus and set bail for Jianxin You in connection with a Suffolk County criminal matter. The court imposed financial bail alternatives and additional conditions, including passport surrender or an affidavit, electronic monitoring, and an extradition waiver affidavit.

CASE DETAILS

|                       |                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Second Judicial Department          |
| WRITING FOR THE COURT | Mark C. Dillon, J.P.; Sylvia O. Hinds-Radix, J.; Valerie Brathwaite Nelson, J.; Paul Wooten, J. |
| JURISDICTION          | New York                                                                                        |
| DECIDED               | December 23, 2020                                                                               |
| DOCKET                | Suffolk County Docket No. CR-032562-20SU                                                        |
| DISPOSITION           | writ_granted                                                                                    |
| PROCEDURAL POSTURE    | Petition for a writ of habeas corpus in the nature of an application to set reasonable bail.    |
| PRECEDENTIAL VALUE    | Published opinion                                                                               |
| PARTIES               | The People ex rel. Edgar L. Fankbonner, on behalf of Jianxin You v. Errol D. Toulon, Jr.        |

TOPICS

- bail
- habeas corpus
- criminal procedure
- appellate procedure
- writ of certiorari

PRACTICE AREAS

- Criminal procedure
- Bail
- Habeas corpus
- Appellate procedure

## QUESTIONS PRESENTED

1. Whether habeas corpus relief should be granted to set reasonable bail for Jianxin You.
2. What bail amount, alternative forms of bail, and conditions should govern You's release.

## HOLDINGS

1. The writ of habeas corpus was sustained, and reasonable bail was fixed for Jianxin You.
2. Bail was fixed at \$750,000 by insurance company bail bond, \$2,250,000 by partially secured bond with 10% down, or \$375,000 in cash, subject to a bail source hearing and conditions requiring passport surrender or a no-passport affidavit, electronic monitoring, and an affidavit waiving opposition to extradition if You left the jurisdiction.

## KEY QUOTATIONS

*“ADJUDGED that the writ is sustained and bail on Suffolk County Docket No. CR-032562-20SU, is fixed in the sum of \$750,000 in the form of an insurance company bail bond, \$2,250,000 in the form of a partially secured bond with the requirement of 10% down, or \$375,000 deposited as a cash bail alternative” (\*1)*

## FACTUAL BACKGROUND

Jianxin You was incarcerated on a Suffolk County criminal docket. The petitioner sought a writ of habeas corpus requesting that the court set reasonable bail. The Appellate Division fixed bail in three alternative forms and imposed passport-surrender, electronic-monitoring, and extradition-related conditions.

## PROCEDURAL HISTORY

The petitioner sought habeas corpus relief on behalf of Jianxin You, who was incarcerated in connection with Suffolk County Docket No. CR-032562-20SU. The Appellate Division sustained the writ, fixed bail in specified alternatives, imposed conditions, and directed You's immediate release upon proof that the bail and conditions had been satisfied.

## DISPOSITION

writ\_granted