State of New York
Court of Appeals

Summaries of cases before the Court of Appeals are prepared by the Public Information Office for background purposes only. The summaries are based on briefs filed with the Court. For further information contact Gary Spencer at 518-455-7711 or gspencer@nycourts.gov.

To be argued Thursday, November 19, 2020 (arguments begin at 11 am)

No. 90 Matter of Town of Irondequoit v County of Monroe

Prior to 2017, Monroe County had for many years guaranteed payment of maintenance, repair, and demolition charges its towns levied against the owners of dilapidated or vacant properties pursuant to Real Property Tax Law (RPTL) § 936(1), which provides that counties guarantee their towns' "taxes" by crediting them "with the amount of ... unpaid delinquent taxes." However, on December 30, 2016, Monroe County's Director of Real Property Tax Services issued a Tax Charges Memorandum which said it would no longer guarantee or credit maintenance and demolition charges because they were not taxes. The Tax Memo also notified the towns that the County would deduct from the November 2017 sales tax distribution any amounts they were previously credited for unpaid maintenance charges. The Towns of Irondequoit and Brighton brought this CPLR article 78 proceeding against the County to compel it to guarantee their maintenance charges and bar it from recouping prior credits from their sales tax distributions.

Supreme Court ruled for the Towns, ruling they "have a legally valid basis to demand and receive the guaranty and credit of the subject charges which qualify as taxes." It said the maintenance charges are "levied as taxes against the real property, for which the County is responsible for collecting, guaranteeing, and crediting."

The Appellate Division, Fourth Department reversed on a 3-2 vote and dismissed the suit, finding the maintenance charges are not "taxes" for which the County would be responsible. It said, "The maintenance charges are assessed against individual properties for their benefit and thus do not fall within the general definition of 'tax,' which instead contemplates 'public burdens imposed generally for governmental purposes benefitting the entire community'.... Nor do those charges constitute 'special ad valorem levies' ... because they are not used to defray the cost of a 'special district improvement or service'.... Maintenance charges also are not assessed 'ad valorem' because the amount of the charge is not based on property value but is instead based on the actual expense to the town." If the charges constitute special assessments, it said, "the definition of 'tax' specifically excludes 'special assessments' (RPTL 102[20])."

The dissenters argued that maintenance charges assessed against real property "must be guaranteed by the county 'in the same manner" as property taxes and special ad valorem levies." They said "such charges are, strictly speaking, not taxes. Rather, they are more appropriately classified as "'[s]pecial assessment[s]'" (RPTL 102[15]...), which are excluded from the strict definition of a 'tax' (RPTL 102[20]). The RPTL, however, expressly contemplates that special assessments, under some circumstances, are to be treated as taxes for purposes of property tax collection." Citing a 1990 opinion of the State Board of Equalization and Assessment that such maintenance charges are "in the same nature" as taxes, they said, "That has been the law in this State for decades. If the rule proposed by the majority were to stand, towns would almost never be able to recoup their costs for maintaining, repairing, or demolishing blighted properties."

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No. 91 People v J.L.

J.L. was a 17-year-old high school student in 2010 when, after his aunt evicted him from her house, he paid a recent acquaintance $100 to let him stay in the spare bedroom of the acquaintance's basement apartment in Brooklyn. A few hours after he arrived, J.L was sitting in the kitchen when a bullet fired through the window struck him in the neck. Responding police officers found him sitting on the front porch with a bloody towel wrapped around his head and neck. Officers followed a trail of blood from the porch down stairs into the apartment, into a rear bedroom, then to the kitchen. In the bedroom they found a loaded MAC-11 submachine gun in a partially open dresser drawer, and J.L was charged with constructive possession of the weapon. His DNA was found on the MAC-11, but analysts did not determine whether the DNA was left by his blood or by some other means. J.L testified that when he was shot, he ran from the kitchen to the bedroom in search of a towel to stop the bleeding, found one, then ran outside to ask a neighbor to call 911. He testified that he saw "something like a gun" in the bedroom, but he did not pick it up and he stayed only briefly while grabbing the towel.

J.L.'s defense attorney asked Supreme Court to charge the jury that possession of the MAC-11 must be "voluntary" as defined in Penal Law § 15.00(2), which provides that a voluntary act "includes the possession of property if the actor was aware of his physical possession or control thereof for a sufficient period to have been able to terminate it." The court agreed that possession must be voluntary, but declined to give the jury instruction. "This voluntary thing is more confusing than helpful," the court said. "I am inclined not to give it, but you can argue even if he was aware of it for a short period of time he certainly didn't have enough time to" get rid of the gun.

J.L. was convicted of third-degree criminal possession of a weapon and was ultimately sentenced to one to three years in prison as a youthful offender. The Appellate Division, Second Department affirmed. It said, without elaboration, that "the Supreme Court's instructions to the jury do not warrant reversal."

The defense argues that J.L. "was deprived of his due process right to a fair trial when the court refused to charge the jury on the statutory definition of 'voluntary possession' – the minimal requirement for criminal culpability – where the evidence showed that appellant's inadvertent discovery and brief awareness of the gun in issue was not 'for a sufficient period of time to have been able to terminate' control of it."

The prosecution argues, "The trial court properly denied defendant's request for a voluntary possession instruction because the court's instructions on the definitions of possession and 'knowingly' were sufficient to convey to the jury the applicable material legal principles. In any event, any error in declining to give a voluntary possession instruction was harmless."

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No. 92 People v Lance Williams

Lance Williams shot and wounded Leon Carson and an innocent bystander in the lobby of a Bronx apartment building in 2012. Williams did not deny the shooting, much of which was recorded by surveillance cameras, but claimed he acted in self-defense. Facing charges of attempted murder, first-degree assault, and second-degree criminal possession of a weapon, Williams testified he had a fraught history with Carson and his family and had been wounded by Carson's brother in two separate shooting incidents in 2007. On the day of the 2012 incident, Williams said he had purchased marijuana in the apartment building from a man called "Foe" and, as he stepped outside the building, he was confronted by Carson and another man. He said Carson pulled a gun from his right pocket and showed it to him. Williams said "I thought he was going to kill me" and he fled back to Foe's apartment. Foe refused to let him stay there, but grabbed his own handgun and told Williams he would escort him to his car. At the bottom of the stairs, Foe looked into the lobby and saw Carson's associate. Williams said Foe handed him the gun and told him to "just walk behind me." When they entered the lobby, Williams said he saw Carson reach into the same pocket that had held his gun and "I just blanked out and I just started shooting." Williams then returned the gun to Foe and fled in his car.

Supreme Court instructed the jury on justification as a defense to the murder and assault counts, and the jury acquitted Williams of those charges. However, the court denied his request to instruct the jury on temporary lawful possession of a weapon as a defense to the weapon possession count. He was convicted of that charge and sentenced to seven years in prison.

The Appellate Division, First Department affirmed, saying there was "no reasonable view of the evidence, viewed most favorably to defendant, to support" a temporary lawful possession charge. "Regardless of whether defendant came into possession of a pistol in an excusable manner, he 'used [it] in a dangerous manner' (People v Williams, 50 NY2d 1043 ...) when he fired five shots in the lobby of a building, admittedly shooting two victims (including a bystander not claimed to be posing any threat) while defendant 'just blanked out'...."

Williams argues, "New York courts hold that a defendant is entitled to an instruction on [temporary lawful possession] in exigent circumstances, including where, as here, the defendant possessed the gun briefly while acting in self-defense." The Appellate Division ruled he was not entitled to the instruction because he used the gun "in a dangerous manner," he says, "But the only evidence that Williams acted 'dangerously' was that he shot at Carson – the same evidence that allowed the jury to conclude that Williams acted in justified self-defense.... That ruling created a Catch-22 in which a defendant may not receive an instruction on temporary lawful possession if he uses the weapon in self-defense – even where, as here, the possession was otherwise lawful and use of the weapon was justified to protect against imminent deadly force. That result contradicts this Court's precedent ... and it is repellent to the deeply rooted policies that underlie the right to self-defense."

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