

#### **4.46. Statements of Defendants; Corroboration (CPL 60.50)**

**A person may not be convicted of any offense solely upon evidence of a confession or admission made by him without additional proof that the offense charged has been committed.**

#### **Note**

This section reproduces verbatim CPL 60.50.

The statute's purpose is to "avert the danger that a crime may have been confessed when no crime *in any degree* has been committed by anyone" (*People v Chico*, 90 NY2d 585, 590 [1997] [internal quotation marks omitted]). Accordingly, CPL 60.50 "does not mandate submission of independent evidence of every component of the crime charged but merely requires some proof, of whatever weight, that a crime was committed by someone" (*People v McGee*, 20 NY3d 513, 517 [2013] [internal quotation marks omitted]; see CJI2d[NY] Corroboration of a Confession).

The additional proof may be "either direct or circumstantial" (*People v Daniels*, 37 NY2d 624, 629 [1975]) and is sufficient when "in addition to the confession, there is proof of circumstances which, although they may have an innocent construction, are nevertheless calculated to suggest the commission of crime, and for the explanation of which the confession furnishes the key" (*People v Reade*, 13 NY2d 42, 45 [1963]; see *People v Booden*, 69 NY2d 185 [1987]; *People v Lipsky*, 57 NY2d 560, 571 [1982]).