

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: September 24, 2026

CR-22-2278

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

NAJAH LIEK EDMUNDS,

Appellant.

Calendar Date: August 19, 2026

Before: Garry P.J., Fisher, Powers, Corcoran and Ryba, JJ.

David E. Woodin, Catskill, for appellant.

Christopher Liberati-Conant, District Attorney, Hudson (*Cheryl A. Botts* of counsel), for respondent.

Powers, J.

Appeal from a judgment of the County Court of Columbia County (Richard Kowick, J.), rendered July 28, 2022, upon a verdict convicting defendant of the crimes of menacing a police officer and resisting arrest.

As a result of a May 2018 incident in the City of Hudson, Columbia County, defendant was charged by criminal complaint with various offenses. Defendant then waived indictment and agreed to be prosecuted by a superior court information charging him with criminal possession of a weapon in the third degree, menacing a police officer, menacing in the third degree, assault in the third degree and resisting arrest. Prior to arraignment, defendant re-executed a waiver of indictment, and, on the same day, County

Court issued a written order approving the waiver. Ultimately, all but the counts charging menacing a police officer and resisting arrest were dismissed, and the jury returned a guilty verdict on these remaining counts. Defendant was sentenced to a prison term of six years, to be followed by three years of postrelease supervision, for his conviction of menacing a police officer and to a lesser concurrent jail term for his conviction of resisting arrest.¹ Defendant appeals.

Defendant claims that his conviction of menacing a police officer is not supported by legally sufficient evidence and that the verdict as to this count is against the weight of the evidence. "A person is guilty of menacing a police officer or peace officer when he or she intentionally places or attempts to place a police officer or peace officer in reasonable fear of physical injury, serious physical injury or death by displaying a . . . knife . . . , where such officer was in the course of performing his or her official duties and the defendant knew or reasonably should have known that such victim was a police officer or peace officer" (Penal Law § 120.18; *see People v Roach*, 119 AD3d 1070, 1070 [3d Dept 2014], *lv denied* 24 NY3d 1221 [2015]). Defendant focuses his arguments before this Court on his apparent lack of intent and awareness of the officer's law enforcement affiliation. We find the evidence to have satisfied both elements.

The trial evidence established that officers with the Hudson Police Department responded to a residence regarding a possible domestic incident. Upon their arrival, the officers announced themselves and knocked on the door for approximately five minutes before the door was eventually opened and they were permitted entry. Two officers entered the single-bedroom apartment while two others remained outside. One of the officers inside the apartment then came upon the bedroom where defendant was wielding a knife, which he had raised above his head in the direction of that officer. The officer, who was in uniform and visible to defendant, drew his service weapon and directed defendant to drop the knife multiple times before defendant ultimately did so. Defendant was then placed into custody with extreme difficulty. This chain of events was echoed by the three other officers present during the underlying events.

During the incident, defendant wielded a large knife that he pointed toward the uniformed officer while ignoring commands to drop the weapon. These circumstances provide a "valid line of reasoning and permissible inferences from which a rational jury could have found that defendant intentionally placed or attempted to place the subject

¹ County Court directed that the sentence herein was to run consecutively to a sentence defendant was already serving as a result of a conviction in Albany County.

police officer in reasonable fear of physical injury" (*People v King*, 229 AD3d 1170, 1172 [4th Dept 2024], *lv denied* 42 NY3d 1080 [2025]; *see People v Gaylord*, 224 AD3d 1169, 1172 [3d Dept 2024], *lv denied* 42 NY3d 926 [2024]; *People v Roach*, 119 AD3d at 1071-1072; *see generally People v George*, 242 AD3d 1447, 1448 [3d Dept 2025], *lv denied* 45 NY3d 945 [2026]). Additionally, viewing the evidence in the light most favorable to the People, the proof was legally sufficient to establish that defendant knew or should have known the involved individual was a police officer (*see People v Thomas*, 174 AD3d 1430, 1431-1432 [4th Dept 2019]; *People v Flores*, 162 AD2d 464, 465 [2d Dept 1990], *lv denied* 76 NY2d 856 [1990]). Thus, defendant's conviction of menacing a police officer is supported by legally sufficient evidence. While a different verdict may not have been unreasonable, viewing the evidence in light of the elements as charged to the jury and deferring to its credibility determinations, we find the verdict as to this count is not against the weight of the evidence (*see People v Hadlock*, 218 AD3d 925, 928 [3d Dept 2023], *lv denied* 40 NY3d 997 [2023]; *People v Thomas*, 174 AD3d at 1432; *People v Roach*, 119 AD3d at 1072; *cf. People v Damon*, 200 AD3d 1323, 1325 [3d Dept 2021]).²

Contrary to defendant's assertion, County Court executed a valid waiver of indictment. "[A]rticle I, § 6 of the State Constitution and CPL 195.10 permit an accused to waive indictment and plead guilty to charges under carefully prescribed and limited conditions" (*People v Trueluck*, 88 NY2d 546, 547 [1996]). Pertinent here, CPL 195.30 requires that "[t]he court . . . determine whether the waiver of indictment complies with the [procedural requirements] of [CPL] 195.10 and 195.20 [and, i]f satisfied that the waiver complies with such provisions, the court shall approve the waiver and *execute a written order to that effect*" (emphasis added). CPL 195.30 contains no time frame for the execution of the required written order (*see People v Walley*, 190 AD3d 1153, 1154 [3d Dept 2021], *lv denied* 36 NY3d 1101 [2021]). As a result, the court's execution of the written order approving the waiver after the appearance where defendant waived indictment was not in error (*see generally People v Light*, 184 AD3d 904, 905 [3d Dept

² Defendant's argument with respect to his conviction of resisting arrest is patently without merit. "Probable cause does not require proof beyond a reasonable doubt but merely information sufficient to support a reasonable belief that an offense has been committed by the person being arrested" (*People v Cox*, 129 AD3d 1210, 1211 [3d Dept 2015] [internal quotation marks and citations omitted], *lv denied* 26 NY3d 966 [2015]). Thus, even if defendant's conviction for menacing a police officer did not withstand our appellate review, this would not require dismissal of the charge of resisting arrest as defendant contends.

2020]; *People v Henderson*, 162 AD3d 1507, 1508 [4th Dept 2018], *lv denied* 32 NY3d 1004 [2018]; *People v Talback*, 32 AD3d 559, 560 [3d Dept 2006], *lv denied* 7 NY3d 870 [2006]; *People v McIntyre*, 178 AD2d 559, 560 [2d Dept 1991]).³

Nevertheless, we do agree that a new trial is warranted as County Court erred in denying defendant's for-cause challenge to a prospective juror. A prospective juror may be challenged for cause when "[h]e [or she] has a state of mind that is likely to preclude him [or her] from rendering an impartial verdict based upon the evidence adduced at the trial" (CPL 270.20 [1] [b]). "If a prospective juror makes statements that raise a serious doubt regarding his or her ability to be impartial, the trial court should conduct a follow-up inquiry regarding the preexisting opinion and must excuse the juror unless he or she states unequivocally on the record that he or she can be fair and impartial" (*People v Everett*, 231 AD3d 1296, 1301 [3d Dept 2024] [internal quotation marks and citations omitted], *lv denied* 42 NY3d 1052 [2024]; *see People v Johnson*, 94 NY2d 600, 614 [2000]). "[R]ather than testing the bounds of their discretion by allowing a potentially impartial juror to remain on the jury, . . . trial courts should lean toward disqualifying jurors of dubious impartiality because, at worst, the court merely replaces one impartial juror with another" (*People v Frierson*, 214 AD3d 1083, 1085 [3d Dept 2023] [internal quotation marks and citation omitted], *lv denied* 40 NY3d 928 [2023]; *see People v Johnson*, 94 NY2d at 616).

After acknowledging close relationships with several individuals in law enforcement, the prospective juror expressed that, although she "would like to think [she] can be fair," she "would probably relate to the [law enforcement] victims." While "words like 'think' or 'try' are not talismanic words that automatically make a statement equivocal" (*People v Shulman*, 6 NY3d 1, 28 [2005] [internal quotation marks, ellipsis, brackets and citation omitted], *cert denied* 547 US 1043 [2006]; *accord People v Contompasis*, 236 AD3d 138, 151-152 [3d Dept 2025], *lv denied* 43 NY3d 1007 [2025]),

³ "Failure to adhere to the statutory procedure for waiving indictment . . . may be considered jurisdictional, affecting the organization of the court or the mode of proceedings prescribed by law" (*People v Boston*, 75 NY2d 585, 589 n [1990] [internal quotation marks and citations omitted]; *accord People v Colon-Colon*, 169 AD3d 187, 190 [4th Dept 2019], *lv denied* 33 NY3d 975 [2019]). In any event, our determination provides us with no occasion to comment on whether the claimed error is jurisdictional as defendant contends or ministerial as the People counter (*see generally People v King*, 48 AD3d 1177, 1178 [4th Dept 2008]; *People v Waid*, 26 AD3d 734, 735 [4th Dept 2006], *lv denied* 6 NY3d 839 [2006]).

the prospective juror continued that she "hope[d] that [she] could still be fair." Altogether, these equivocal statements raised a clear question as to her ability to remain impartial and, therefore, could only be remedied by an unequivocal statement of impartiality (*see People v Johnson*, 94 NY2d at 616; *People v Everett*, 231 AD3d at 1302; *People v Bedard*, 132 AD3d 1070, 1070 [3d Dept 2015]). However, when pressed by defense counsel as to whether she could be fair, the prospective juror failed to directly address the issue and, in fact, seemed to further express her own bias. County Court did not then attempt to rehabilitate the prospective juror (*see People v Rios*, 192 AD3d 1336, 1338 [3d Dept 2021]) and, as a result, her prior statements of partiality were not remedied (*compare People v Contompasis*, 236 AD3d at 152; *People v Everett*, 231 AD3d at 1302). Under these circumstances we find disqualification to have been required. Thus, because defendant exhausted his peremptory challenges before jury selection was complete, a new trial is necessary (*see CPL 270.20 [2]*; *People v Rios*, 192 AD3d at 1338; *People v Montford*, 145 AD3d 1344, 1348 [3d Dept 2016], *lv denied* 29 NY3d 999 [2017]).

Garry, P.J., Fisher, Corcoran and Ryba, JJ., concur.

ORDERED that the judgment is reversed, on the law, and matter remitted to the County Court of Columbia County for a new trial.

ENTER:

A handwritten signature in black ink, reading "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large, stylized 'R' and 'M'.

Robert D. Mayberger
Clerk of the Court