

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

Decided and Entered: July 2, 2026

CR-23-1287

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JAHQUAY BROWN,

Appellant.

Calendar Date: May 26, 2026

Before: Reynolds Fitzgerald, J.P., Ceresia, McShan, Mackey and Ryba, JJ.

Kelly L. Egan, Rensselaer, for appellant.

Mary Pat Donnelly, District Attorney, Troy (*Michael Allain* of counsel), for respondent.

Reynolds Fitzgerald, J.P.

Appeal from a judgment of the County Court of Rensselaer County (Jennifer Sober, J.), rendered August 31, 2022, upon a verdict convicting defendant of the crime of manslaughter in the second degree.

In September 2020, an 11-year-old child (hereinafter the victim) standing with a crowd was killed in a drive-by shooting in the City of Troy, Rensselaer County. The following investigation uncovered evidence linking defendant to the vehicle suspected to have been used in the crime. Defendant was subsequently questioned by two detectives and confessed to being the driver. At the beginning of the interview, defendant waived his *Miranda* rights; at the conclusion of the interview, investigators drove defendant

home. Meanwhile, search warrants were executed on defendant's home. The next day, however, he was arrested and charged with murder in the second degree and, after waiving *Miranda* rights again, was interviewed a second time. Defendant thereafter moved to suppress his statements to the police, as well as any evidence seized pursuant to the search warrants, and County Court denied those requests. As relevant here, the court found that defendant's statements were voluntary for a number of reasons, including that he agreed to be interviewed by Troy detectives, was apprised of and waived his *Miranda* rights, was not coerced or threatened into making incriminating statements, and was never restrained by the Troy Police Department. At the ensuing jury trial, the People pursued a theory that defendant had acted in concert with the shooter to murder the victim. The jury acquitted defendant on the murder charge, but convicted him of the lesser included offense of manslaughter in the second degree, and defendant was sentenced to a prison term of 5 to 15 years. Defendant appeals.

Initially, we reject defendant's argument that the verdict is against the weight of the evidence. "When undertaking a weight of the evidence review, we must first determine whether, based on all the credible evidence, a different finding would not have been unreasonable and then, if not, weigh the relative probative force of conflicting testimony and the relative strength of conflicting inferences that may be drawn from the testimony to determine if the verdict is supported by the weight of the evidence" (*People v Jones*, 206 AD3d 1292, 1293 [3d Dept 2022] [internal quotation marks and citations omitted]; *see e.g. People v Bleakley*, 69 NY2d 490, 495 [1987]). "A person is guilty of manslaughter in the second degree when," as relevant here, he or she "recklessly causes the death of another person" (Penal Law § 125.15 [1]). For these purposes, a person acts "recklessly" when he or she "is aware of and consciously disregards a substantial and unjustifiable risk" that death will occur (Penal Law § 15.05 [3]) and engages "in some blameworthy conduct contributing to that risk" (*People v Asaro*, 21 NY3d 677, 684 [2013]). A person may be found to be acting in concert with another when, acting with the requisite mental culpability, he or she "solicits, requests, commands, importunes, or intentionally aids" in the commission of an offense (Penal Law § 20.00; *see People v Terry*, 240 AD3d 1128, 1130 [3d Dept 2025], *lv denied* 44 NY3d 995 [2025]).

At trial, Mary Magnetto, a detective sergeant for the Troy Police Department, testified that she responded to the shooting and, through surveillance video and witness statements, determined that the suspect vehicle was a blue Honda Accord Sport from 2018-2020. Shortly thereafter, an officer from a nearby police department reported that he saw defendant driving a vehicle matching that description and provided a license plate number. That license plate led detectives to the vehicle's registered owner and another

individual who was the vehicle's primary operator. The primary operator confirmed that she knew defendant and had lent him the vehicle. In his first interview, defendant quickly confessed that he was the driver, but lied twice about the identity of the shooter. In his second interview, defendant offered inconsistent statements regarding his understanding of the shooter's intentions that night. Defendant first stated that the shooter was being taunted by a rival gang and wanted defendant to drive him to Troy to confront those individuals, but defendant later admitted that "the intention was to go over there and shoot" a rival gang member. Defendant explained that the victim was standing on a stoop with members of the rival gang and his death was an "accident." Defendant further claimed he did not know the shooter had a gun that night, but admitted that he knew that the shooter was known to carry a handgun most of the time. He also acknowledged that the shooter sat in the backseat, which defendant knew was typical of drive-by shooters. As to the physical evidence, a State Police forensic scientist testified that bullet fragments recovered from the victim were fired from the same weapon recovered from defendant's residence. Another forensic scientist specializing in DNA testing stated that defendant's DNA was found on the weapon. An analysis of the suspect vehicle's entertainment system revealed that a device listed as defendant's first name connected to the vehicle numerous times on the day of the shooting. Thus, while a different verdict would not have been unreasonable, there is ample evidence that the shooter recklessly caused the victim's death by firing into a crowd, and that defendant aided in that offense by driving the shooter to Troy with knowledge of the shooter's intentions (*see People v James*, 176 AD3d 1492, 1494-1495 [3d Dept 2019], *lv denied* 34 NY3d 1078 [2019]; *People v Allen*, 152 AD3d 401, 401-402 [1st Dept 2017], *revd on other grounds* 32 NY3d 611 [2018]; *compare People v Hawkins*, 192 AD3d 1637, 1639 [4th Dept 2021]; *cf. People v Ficarrota*, 91 NY2d 244, 250 [1997]).

Next, defendant contends that any statements he made to police must be suppressed because the circumstances surrounding the first interview evince that defendant's statements were involuntary. "On a motion to suppress, the People bear the burden of proving beyond a reasonable doubt that the defendant's statements to police were voluntarily given" (*People v Fox*, 244 AD3d 1510, 1511 [3d Dept 2025] [internal quotation marks and citations omitted], *lv denied* 45 NY3d 971 [2026]; *see People v Jin Cheng Lin*, 26 NY3d 701, 719 [2016]). "Although the inference of voluntariness is more easily drawn where, as here, *Miranda* warnings have been timely given, the People must still show that the defendant's statements were not products of coercion" (*People v Henry*, 237 AD3d 1258, 1260 [3d Dept 2025] [internal quotation marks and citations omitted], *lv denied* 44 NY3d 982 [2025]; *see People v Thomas*, 22 NY3d 629, 641-642 [2014]). "Whether a statement given to police is voluntary is a factual issue governed by the

totality of the circumstances and the credibility assessments of the suppression court in making that determination are entitled to deference" (*People v Cipriani*, 244 AD3d 1295, 1299 [3d Dept 2025] [internal quotation marks and citations omitted], *lv denied* 44 NY3d 1064 [2026]).

Initially, we reject defendant's contention that he did not voluntarily go with the Troy Police Department to be interviewed. The testimony at the suppression hearing revealed that, on the morning of September 23, 2020, defendant was handcuffed by State Police outside his home, while standing in a bathrobe, for an unrelated offense. Shortly thereafter, State Police contacted the Troy Police Department, and Magonetto and other officers from that department arrived at the scene. The Troy officers asked defendant, while he was still in handcuffs, if he would be willing to speak with them about the shooting; defendant agreed, and the handcuffs were removed. While the use of handcuffs is often associated with a formal arrest (*see People v Cabrera*, 41 NY3d 35, 52-53 [2023]), here, defendant was handcuffed by a different police agency for an unrelated offense; defendant agreed to go with Troy officers, who took off the restraints and transported him, unrestrained, to the Troy Police Department; and defendant was not asked about the shooting and did not make any incriminating statements until after he was read his *Miranda* rights and waived same (*compare People v Robinson*, 45 NY3d 243, 248 [2025]; *People v Cabrera*, 41 AD3d at 39-40; *see also People v Bell-Scott*, 162 AD3d 1558, 1559 [4th Dept 2018], *lv denied* 32 NY3d 1169 [2023]). Thus, under the particular circumstances of this case, the record supports County Court's determination that defendant's decision to leave the scene with Troy officers was voluntary, even though they first approached defendant while he was in handcuffs.

We also agree with County Court that defendant's subsequent statements were voluntarily made. Once at the police station, defendant was *Mirandized* and agreed to speak with Magonetto and another detective without a lawyer present. During the interview, which lasted approximately seven hours, while detectives never told defendant that he was free to leave, they repeatedly promised that he was going home that day and would be home in time for dinner – a promise they kept. Defendant was not restrained by Troy officers at any time and was provided food and water, as well as multiple supervised bathroom and cigarette breaks. Although defendant stated that he wanted to go home, he never requested that the questioning cease. Significantly, defendant was "no stranger to the criminal justice system" (*People v Ward*, 241 AD2d 767, 769 [3d Dept 1997], *lv denied* 91 NY2d 837 [1997]), as evinced by his criminal history, which includes eight prior arrests and three misdemeanor convictions. Considering the totality of the circumstances, and giving appropriate weight to the suppression court's factual findings,

there was ample evidence to support the determination that defendant voluntarily provided his statements to the Troy Police Department investigators (*see People v Dorvil*, 234 AD3d 1106, 1112 [3d Dept 2025], *lv denied* 44 NY3d 982 [2025]; *People v McCarty*, 221 AD3d 1360, 1365-1366 [3d Dept 2023], *lv denied* 40 NY3d 1093 [2024]; *People v Youngs*, 175 AD3d 1604, 1606 [3d Dept 2019]; *People v DeJesus*, 45 AD3d 986, 986 [3d Dept 2007], *lv denied* 9 NY3d 1032 [2008]; *People v Richardson*, 202 AD2d 958, 958-959 [4th Dept 1994], *lv denied* 83 NY2d 914 [1994]; *compare People v Thomas*, 22 NY3d at 645-646; *People v Guilford*, 21 NY3d 205, 210-212 [2013]).

We are similarly unpersuaded by defendant's argument that the evidence derived from the search warrants must be suppressed. Defendant primarily argues that the search warrant applications contained false statements and were unsupported by probable cause because it was impossible to ascertain, from the video surveillance footage, that the suspect vehicle was a 2018-2020 blue Honda Accord Sport. However, at the suppression hearing, Magnosto testified that she identified the make and model of the suspect vehicle after reviewing *numerous* surveillance tapes from the surrounding area. The record reflects that 52 surveillance videos were turned over to defendant in discovery, yet he failed to proffer even one of these videos into evidence at the suppression hearing to impeach Magnosto's credibility regarding her ability to identify the vehicle (*see generally People v Edwards*, 95 NY2d 486, 491 [2000]). Thus, on this record, we decline to disturb County Court's decision to credit Magnosto's testimony (*see People v High*, 200 AD3d 1209, 1210 [3d Dept 2021], *lv denied* 37 NY3d 1161 [2022]; *People v Burbridge*, 194 AD3d 831, 833 [2d Dept 2021]; *People v Crupi*, 172 AD3d 898, 898-899 [2d Dept 2019], *lv denied* 34 NY3d 950 [2019], *cert denied* 590 US 963 [2020]).

Defendant also points to a litany of purported errors by his trial counsel that allegedly rendered counsel ineffective. To the extent any of these claims involve facts outside the record, they would be more properly addressed in a CPL article 440 motion (*see People v Contompasis*, 236 AD3d 138, 153 [3d Dept 2025], *lv denied* 43 NY3d 1007 [2025]). Defendant's record-based contentions are largely directed at trial counsel's failure to make certain objections; however, our review of the record reveals that these objections had little or no chance of success (*see People v Caban*, 5 NY3d 143, 152 [2005]; *People v Horton*, 181 AD3d 986, 998 [3d Dept 2020], *lv denied* 35 NY3d 1045 [2020]). Considering the totality of the circumstances, including counsel's successful pretrial motions, cogent opening and closing statements, and reasonable trial strategy – which resulted in defendant's acquittal on the highest count of the indictment – defendant has failed to demonstrate that he did not receive meaningful representation (*see People v Dickinson*, 182 AD3d 783, 790 [3d Dept 2020], *lv denied* 35 NY3d 1065 [2020]; *People*

v Spencer, 169 AD3d 1268, 1271-1272 [3d Dept 2019], *lv denied* 34 NY3d 938 [2019]; *People v Foulkes*, 117 AD3d 1176, 1177 [3d Dept 2014], *lv denied* 24 NY3d 1084 [2014]).

Finally, defendant's argument that the People failed to demonstrate that the execution of the search warrant was lawful and his claims of prosecutorial and police misconduct are unpreserved, as is his claim regarding the introduction of prior bad act evidence in the absence of a *Molineux* ruling. We have examined defendant's remaining contentions and find them to be unavailing.

Ceresia, McShan, Mackey and Ryba, JJ., concur.

ORDERED that the judgment is affirmed.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court