

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

Decided and Entered: July 2, 2026

CV-25-0553

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In the Matter of NEW YORK  
STATE OFFICE OF VICTIM  
SERVICES, on Behalf of  
VANESSA BELLE,

Appellant,

OPINION AND ORDER

v

ROBERT WILLIAMS,

Respondent.

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Calendar Date: May 27, 2026

Before: Aarons, J.P., Pritzker, Ceresia, Fisher and McShan, JJ.

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*Letitia James, Attorney General, Albany (Owen Demuth of counsel), for appellant.*

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Aarons, J.P.

Appeal from a judgment of the Supreme Court (Thomas Marcelle, J.), entered February 26, 2025 in Albany County, which, among other things, dismissed petitioner's application, in a proceeding pursuant to Executive Law § 632-a, for a preliminary injunction.

In February 2020, respondent entered a police station, drew a gun and opened fire, wounding a police lieutenant. He thereafter pleaded guilty to two counts of attempted murder in the first degree and was sentenced to concurrent prison terms of 23 years to life. In December 2023, the New York City Comptroller notified petitioner that respondent was to receive a settlement of \$189,300 in connection with a class action.

Petitioner relayed that information to Vanessa Belle, a police officer who was on duty in the station during respondent's attack, and Belle then notified petitioner of her intent to commence a civil action against respondent to recover damages for psychological and emotional injuries she sustained as a result of respondent's crime. Petitioner, acting on Belle's behalf, then commenced this proceeding pursuant to Executive Law § 632-a, commonly known as the Son of Sam Law, seeking a preliminary injunction to preserve the settlement funds. Supreme Court (D. Lynch, J.) granted petitioner's request for a temporary restraining order freezing those funds until joinder of issue. Following a hearing at which respondent appeared pro se, Supreme Court (Marcelle, J.) determined that Belle was not a "crime victim" within the meaning of Executive Law § 632-a (1) (d) because she did not satisfy the definition of "victim" in Executive Law § 621 (5), which, as relevant here, encompasses "a person who suffers personal physical injury as a direct result of a crime" (Executive Law § 621 [5] [a]). The court dismissed the petition and vacated the temporary restraining order. Petitioner appeals, and we reverse.

"Executive Law § 632-a sets forth a statutory scheme intended to improve the ability of crime victims to obtain full and just compensation from the person(s) convicted of the crime by allowing crime victims or their representatives to sue the convicted criminals who harmed them when the criminals receive substantial sums of money from virtually any source and protecting those funds while litigation is pending" (*Waldman v State of New York*, 163 AD3d 1114, 1115 [3d Dept 2018] [internal quotation marks, brackets and citations omitted], *lv denied* 32 NY3d 910 [2018]; *see Prindle v Guzy*, 179 AD3d 1169, 1170 [3d Dept 2020]). "For the purposes of [Executive Law § 632-a], a "[c]rime" is, as relevant here, "any felony defined in the laws of the state" (Executive Law § 632-a [1] [a] [i]), and a "[c]rime victim" is "the victim of a crime" (Executive Law § 632-a [1] [d] [i]), a phrase that "includes the subject of the felonious conduct" (*New York State Crime Victims Bd. v T.J.M. Prods.*, 265 AD2d 38, 46 [1st Dept 2000]).

Executive Law § 621 "govern[s] the general powers of [petitioner]" and provides that its definitions apply throughout Executive Law article 22 – of which Executive Law § 632-a is a part (*id.*; *see* Executive Law § 621 [1]). The issue is therefore whether Executive Law § 632-a's definition of "crime victim" incorporates Executive Law § 621's definition of "victim" or replaces it. "It is well settled that, when interpreting a statute, we attempt to effectuate the intent of the Legislature and the starting point for discerning such intent is the language of the statute" (*Matter of New York State Crime Victims Bd. v Gordon*, 66 AD3d 1213, 1214 [3d Dept 2009] [citation omitted]; *see People ex rel. Negron v Superintendent, Woodbourne Corr. Facility*, 36 NY3d 32, 36 [2020]).

The structure and language of Executive Law § 632-a (1) (d) demonstrate that its reference to "the victim of a crime" does not incorporate the definition of "victim" in Executive Law § 621 (5). Where the Legislature intended to incorporate a definition from Executive Law § 621, it did so by explicit cross-reference. Thus, in addition to "the victim of a crime" (Executive Law § 632-a [1] [d] [i]), a "crime victim" under the Son of Sam Law includes "the representative of a crime victim as defined in [Executive Law § 621 (6)]" and "a good samaritan as defined in [Executive Law § 621 (7)]" (Executive Law § 632-a [1] [d] [ii], [iii]). The absence of a comparable cross-reference to Executive Law § 621 (5)'s definition of "victim" must be regarded as deliberate (*see People v Finnegan*, 85 NY2d 53, 59 [1995], *cert denied* 516 US 919 [1995]). It follows that "the victim of a crime" under Executive Law § 632-a (1) (d) (i) is not confined to persons who suffer physical injury (*see* Executive Law § 621 [5] [a]; *cf. Matter of New York State Off. of Victim Servs. v Mobayed*, 245 AD3d 1085, 1085 [3d Dept 2026]).

Our reading is reinforced by the distinct purposes of the two provisions. Executive Law article 22 – including Executive Law § 621 – was first enacted in 1966 to compensate "victims" who sustain personal physical injuries as a result of the criminal conduct of others, in recognition of the financial and other hardships such injuries impose (Executive Law § 620; *see Matter of Juarez v New York State Off. of Victim Servs.*, 36 NY3d 485, 491 [2021]). Victims of enumerated crimes, certain classes of victims and members of victims' families are also eligible to receive public funds for out-of-pocket crime-related expenses (*see* Executive Law §§ 621 [5] [b]; [9], [10], [11]; 624 [1]; 626). By contrast, the Son of Sam Law, as enacted in 1992 and amended in 2001, advances the related but independent policy of preventing convicted persons from retaining the profits of their crimes or substantial sums of money while leaving those they harmed uncompensated (*see Simon & Schuster, Inc. v Members of N.Y. State Crime Victims Bd.*, 502 US 105, 118-119 [1991]; Governor's Approval Mem, Bill Jacket, L 1992, ch 618 at 8). To that end, "the Legislature went to great lengths to provide avenues to allow crime victims to be compensated for their losses" (*Matter of New York State Crime Victims Bd. v Harris*, 68 AD3d 1269, 1271 [3d Dept 2009]). The Legislature did not explicitly limit the losses recoverable from the profits of a crime or the funds of a convicted person under Executive Law § 632-a to only those sustained by physically injured victims. Thus, in our view, incorporating Executive Law § 621 (5)'s physical-injury requirement into the Son of Sam Law's definition of "crime victim" is inconsistent with the Legislature's intent.

Applying the statute as written, we conclude that Belle is a "crime victim" pursuant to Executive Law § 632-a. As set forth in her affidavit, Belle was the first police officer to encounter respondent when he entered the station and she asked him, "How can

I help you?" She saw him look left and right and then reach for the gun tucked in his pants. She shouted, "he has a gun!" and dove under her desk just before respondent began firing indiscriminately, placing her in immediate danger. Though Belle was not named as a victim in the counts to which respondent pleaded guilty, she was nevertheless a "subject of [respondent's] felonious conduct" which directly resulted in the alleged psychological and emotional injuries for which she seeks recovery (*New York State Crime Victims Bd. v T.J.M. Prods.*, 265 AD2d at 46; *cf. Boice v Burnett*, 245 AD2d 980, 981 [3d Dept 1997]; *Clemens v Nealon*, 202 AD2d 747, 748-749 [3d Dept 1994]). Under these circumstances, Belle was a victim of respondent's crime under the Son of Sam Law (*see* Executive Law § 632-a [1] [d] [i]).

We therefore turn to petitioner's application for a preliminary injunction freezing respondent's settlement funds. "To show that a preliminary injunction is warranted, the movant must demonstrate a probability of success on the merits, danger of irreparable injury in the absence of an injunction and a balance of equities in its favor" (*Matter of New York State Off. of Victim Servs. v Marshall*, 248 AD3d 1478, 1479 [3d Dept 2026] [internal quotation marks and citations omitted]; *see Matter of New York State Off. of Victim Servs. v Alexis*, 233 AD3d 1248, 1249 [3d Dept 2024], *lv denied* 43 NY3d 905 [2025]).

Petitioner satisfied each prong. A probability of success on the merits was established through evidence of respondent's conviction along with Belle's affidavit providing additional details of respondent's conduct and her resulting losses and injuries (*see Matter of New York State Off. of Victim Servs. v Marshall*, 248 AD3d at 1479-1480; *Matter of New York State Off. of Victim Servs. v Mobayed*, 245 AD3d at 1086). The risk of irreparable injury without provisional relief is manifest, as dissipation of the settlement funds would bar any recovery by Belle and potentially other injured victims of respondent's crime (*see* Executive Law § 632-a [3], [5], [6]). Finally, 10% of respondent's settlement – \$18,930 – is statutorily exempt from restraint (*see* Executive Law § 632-a [3]; CPLR 5205 [k]), and, considering the policy objectives of the Son of Sam Law, the balance of equities favor petitioner (*see Matter of New York State Off. of Victim Servs. v Marshall*, 248 AD3d at 1480). Therefore, we remit the matter to Supreme Court to issue an appropriate preliminary injunction.

Pritzker, Ceresia, Fisher and McShan, JJ., concur.

ORDERED that the judgment is reversed, on the law, without costs, petition granted, and matter remitted to the Supreme Court for further proceedings not inconsistent with this Court's decision.

ENTER:

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

Robert D. Mayberger  
Clerk of the Court