

Indigent Legal Services

# Decisions of Interest

SEPTEMBER 11, 2024

## CRIMINAL

### FIRST DEPARTMENT

#### ***People v Perkins*** | 2024 NY Slip Op 04361

SCI DEFECTIVE | REVERSED & DISMISSED | DISSENT

The appellant appealed from a New York County Court judgment convicting him of third-degree robbery. The First Department reversed and dismissed. The Superior Court Information (SCI) was defective because it charged third-degree robbery, a higher-grade offense than any contained in the felony complaint, which alleged fourth-degree grand larceny. To be valid, a joinable offense must be of an equal or lesser grade or degree than the offenses for which the accused was held for grand jury action. The dissent noted that the majority's holding was contrary to prior First Department precedent upholding SCIs including the joinder of higher-grade offenses. The Legal Aid Society of NYC (Harold V. Ferguson, of counsel) represented the appellant.

[People v. Perkins, 2024 NY Slip Op. 04361.](#)

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