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## Court of Appeals Unanimously Rules For The People in Crack Cocaine Possession Case



**ALBANY, NY** - District Attorney P. David Soares announced today that the New York State Court of Appeals affirmed a lower court decision in a case involving a conviction for criminal possession of a controlled substance. The case was argued by Assistant District Attorney Brittany Grome of the Legal Affairs Bureau. The decision can be found [here](#).

On July 12, 2013, DAYSHAWN CROOKS, then age 35, of Albany, was found guilty after a jury trial of (2) Counts of Criminal Possession of a Controlled Substance in the Third Degree,

both Class B Felonies. CROOKS was sentenced on August 15, 2013 to 8 Years in State Prison, to be followed by 3 Years of Post Release Supervision, before the Honorable Andrew Ceresia in the Supreme Court of Albany County.

The defendant appealed the conviction to the New York State Appellate Division, Third Department, on the basis that the County Court erred in rejecting the defendant's request for a pre-trial Darden hearing to address whether the police had sufficient probable cause to obtain the search warrant that led to his arrest, independent of any information supplied by the confidential informant. The Appellate Division ruled that CROOKS was not entitled to a Darden hearing.

CROOKS appealed the Appellate Division's decision to the Court of Appeals, New York State's highest court. CROOKS again argued that the County Court erred in denying the request for a Darden. The People argued that Albany City Police officers independently acquired evidence to obtain a search warrant for the residence where CROOKS was arrested. Because of the independent observations by law enforcement, there was no basis for a Darden hearing. The Court of Appeals ruled in favor of the People by unanimously affirming the Appellate Division's decision. Writing the opinion for the Court of Appeals, Judge Stein stated, "probable cause for the search warrant was established through independent police observations." A webcast of the oral arguments before the Court of Appeals can be found [here](#).

Assistant District Attorney Brittany Grome of the Legal Affairs Bureau argued this case before the Court of Appeals on June 2, 2016. Assistant District Attorney Jasper Mills of the Street Crimes Unit prosecuted this case at trial.

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