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COURT OF APPEALS  
STATE OF NEW YORK

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PEOPLE,

Respondent,

-against-

NO. 97

EDDIE ROBLES,

Appellant.

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20 Eagle Street  
Albany, New York  
October 16, 2024

Before:

CHIEF JUDGE ROWAN D. WILSON  
ASSOCIATE JUDGE JENNY RIVERA  
ASSOCIATE JUDGE MICHAEL J. GARCIA  
ASSOCIATE JUDGE MADELINE SINGAS  
ASSOCIATE JUDGE ANTHONY CANNATARO  
ASSOCIATE JUDGE SHIRLEY TROUTMAN  
ASSOCIATE JUDGE CAITLIN J. HALLIGAN

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Official Court Transcriber



1 CHIEF JUDGE WILSON: Next case on the calendar is  
2 People v. Robles.

3 MS. SWARTZ: Good afternoon. May it please the  
4 court. Melissa Swartz, on behalf of the appellant. I'd  
5 like to reserve two minutes for rebuttal.

6 CHIEF JUDGE WILSON: Yes.

7 MS. SWARTZ: Before I get to the heart of the  
8 issue, I think it's important for me to address what  
9 probably crossed all of your minds. Three years ago, he  
10 completed his post-release supervision, and he is still  
11 asking for the relief that he's asking. And I think that's  
12 important to why we're looking at this issue. Right?  
13 Because ultimately, it's his choice. If you take a look at  
14 the Appellate Division brief, the main brief, the pro se  
15 brief, he asked to - - - to vacate his guilty plea in those  
16 briefs. He understands the risks, and it's a choice he's  
17 made. And - - -

18 JUDGE GARCIA: He's also asking us to dismiss the  
19 indictment.

20 MS. SWARTZ: Correct. And I'll concede that the  
21 cases I - - - I cited to are misdemeanor cases. I'm not on  
22 entirely strong footing regarding that point.

23 But what I will say to you is this is a C violent  
24 felony. It's not a misdemeanor. But I think you should  
25 also look at the sentence in deciding how seriousness - - -

1 it is and deciding whether or not you should dismiss. Flat  
2 two years with one-and-a-half post-release supervision,  
3 clearly the People didn't think it was that serious of a  
4 case.

5 JUDGE GARCIA: Are there collateral consequences  
6 from having a violent felony conviction, though?

7 MS. SWARTZ: There are. And I - - - I - - - I  
8 know, unfortunately, Mr. Robles has seen one of those  
9 collateral consequences, and that is having it enhance a  
10 subsequent case against you.

11 So there's - - - there's a reason why I think it  
12 should be dismissed. But I - - - I concede the point that  
13 the cases I cited to are not directly on point.

14 If you look at the record in this case, the  
15 Fourth Department did not have anything to say that they  
16 could completely rule out the possibility that the  
17 suppression hearing didn't impact - - - impact his  
18 decision. My client said a lot of things - - -

19 JUDGE GARCIA: It - - - it seems - - - it seems  
20 to me they are conflating arguably two parts of this test,  
21 right? I mean, one is the proof, but the second, you have  
22 to have some indication in the record that it didn't affect  
23 the plea.

24 MS. SWARTZ: Exactly.

25 JUDGE GARCIA: And I take your argument to be the

1           latter, right?

2                   MS. SWARTZ: Correct. They're saying, well, of  
3           course he's going to get convicted after trial. Which,  
4           again, there's obviously some issues with the case. The -  
5           - - the entire case wasn't - - - isn't before this court  
6           and it wasn't before county court. Right? It hadn't  
7           actually been tried.

8                   The People were willing to give him a extremely  
9           cushy offer because there was some issues with - - -

10                   JUDGE TROUTMAN: So do you agree there's a  
11           difference between a verdict after a trial versus a plea in  
12           how you're reviewing things?

13                   MS. SWARTZ: Yes. And Grant is the perfect  
14           example, right? Grant - - - this court said rarely, if  
15           ever, would we ever - - - you know, delve into why somebody  
16           pled guilty. And in Grant, he went through his entire  
17           trial. The People presented everything. And it was his  
18           statement, right? I don't really know what all the other  
19           proof was against Mr. Grant, but he - - - this court found  
20           that they couldn't deem that harmless in why he decided to  
21           plead guilty.

22                   There's no precedent besides Lloyd from this  
23           court. Lloyd is the only one where this court has said,  
24           yeah, the - - - the erroneous suppression ruling can be  
25           deemed harmless error. And Lloyd has a very distinguishing

1 factor. Mr. Lloyd pled guilty before his suppression  
2 hearing, and then the court couldn't stick to the  
3 commitment, and he was able to withdraw. Then he had a  
4 suppression hearing, then he pled guilty.

5 The record here is the majority was just  
6 incorrect in their analysis. They tried to say, hey, he's  
7 really guilty, so this couldn't have impacted it. I think  
8 the - - - the record is clear that it did impact him.

9 Unless the court has any questions for me, I'm  
10 going to ask you to reverse.

11 CHIEF JUDGE WILSON: Thank you.

12 MR. OASTLER: Good afternoon, Your Honors. Brad  
13 Oastler for the People.

14 JUDGE GARCIA: So tough one on terms of why isn't  
15 the argument that they conflated the two parts of the Grant  
16 test or - - -

17 MR. OASTLER: I - - -

18 JUDGE GARCIA: - - - have merit?

19 MR. OASTLER: I don't think that the Fourth  
20 Department improperly applied the standard. And I would -  
21 - -

22 JUDGE GARCIA: I read it as you had a gun, and we  
23 didn't suppress the gun. So.

24 MR. OASTLER: Yes. And I - - - what I would not  
25 be standing here is suggesting that there would be a rule

1 that, if you have a case where there's a statement and  
2 physical evidence, and the physical evidence is the  
3 critical aspect of the case, that the statement just must  
4 be necessarily harmless or it's just not important in the  
5 calculus. But what we actually have here are a number of  
6 statements by the defendant over a - - - over multiple  
7 appearances, where I think he's clearly explaining that the  
8 suppression of the statements played no role in the  
9 calculus of his decision to plead guilty.

10 JUDGE GARCIA: And what are they?

11 MR. OASTLER: He, first of all, said - - - he  
12 acknowledged that this was a very good deal that he felt  
13 compelled to take.

14 JUDGE GARCIA: But it might be a good deal  
15 because his statement got - - - didn't get suppressed.

16 MR. OASTLER: Well, I - - - I think that takes,  
17 respectfully, a little bit of a common sense view of this  
18 case out of it. The statement didn't matter.

19 JUDGE GARCIA: But he lost the statement  
20 argument, and the statement's coming in. So now you've got  
21 the recovery of the weapon, and you've got a incriminating  
22 statement. And in light of that, this is a very good deal.

23 MR. OASTLER: Well, I - - - I think it's a very  
24 good deal in light of the physical evidence that was  
25 recovered absent nothing else.

1 JUDGE TROUTMAN: It could also be a good deal  
2 because you don't want to risk a higher sentence.

3 MR. OASTLER: Certainly, that's true. And - - -

4 JUDGE TROUTMAN: But isn't it important to know  
5 what contributed to his - - - what went into his decision  
6 to plead guilty?

7 MR. OASTLER: Yes. And I - - -

8 JUDGE TROUTMAN: And how can you say here clearly  
9 he - - - unless he articulated during the plea colloquy as  
10 to why he was pleading guilty, how could you say that he  
11 did not factor that in?

12 MR. OASTLER: Because I think he did explain why  
13 he ultimately pleaded - - -

14 JUDGE TROUTMAN: You think. But do you know?

15 MR. OASTLER: Well, I will point you to the  
16 things that - - - that lead me to that conclusion. And  
17 that is across the three appearances prior to his guilty  
18 plea, and even at the - - - the second day, the  
19 continuation of the suppression hearing - - - the  
20 defendant's focus was essentially solely on the idea that  
21 the police had fabricated or planted evidence. That's it.  
22 And that really only has to do with the physical evidence  
23 suppression or the reason for their approach to begin with.  
24 It's - - -

25 CHIEF JUDGE WILSON: Well, wait. But it could be

1           that the statement is what convinces him that he can't  
2           argue it was planted?

3                       MR. OASTLER:  I - - - I - - - well, I - - -  
4           keeping in mind that there is a statement also back at the  
5           police station afterwards where he admits - - - he said  
6           something to the effect of like, you got a gun off me or  
7           something like that, which is - - -

8                       CHIEF JUDGE WILSON:  Yeah.  But once there's - -  
9           - once there's a suppressible - - - well, there's a  
10          question about attenuation also.  And I think we - - - I  
11          don't remember the name, but we had a case recently like  
12          that.  I think it was in one of the collection of those  
13          Bruen cases.  Where somebody pre-Miranda said something and  
14          then post-Miranda sort of reaffirmed it.  But the idea,  
15          generally, was once he said it once, the cat's kind of out  
16          of the bag.

17                      MR. OASTLER:  Sure.  And I - - - I recognize  
18          that.  But the issues that he raised, I think, just don't  
19          speak to his statement.  I mean, his - - - his strategy at  
20          trial, I think, was plainly telegraphed here.  It was going  
21          to be to attack the credibility of the officers and that's  
22          it.  And really his statement - - -

23                      JUDGE TROUTMAN:  But it's easier to attack their  
24          credibility if you don't have the statement.  You could go  
25          to trial, like the Chief said.  And - - - and you might



1           arguably have a stronger case for planting as opposed to a  
2           statement's in that says, well, I got to do what I got to  
3           do, or whatever it was he said here, which is tying him to  
4           the physical evidence.

5                   MR. OASTLER: It could be tying him also to the -  
6           - - the bottle of beer that was in his pocket?

7                   JUDGE TROUTMAN: But isn't that the problem here?  
8           We're - - - we're saying could.

9                   MR. OASTLER: I - - - I don't think in light of  
10          the - - - the way that the defense was focused on - - - in  
11          the suppression hearing and - - - and then the defendant,  
12          when he was pro se after the suppression hearing, the way  
13          he was so concerned about the physical evidence. I mean,  
14          there was just no mention whatsoever of the statement.

15                  JUDGE GARCIA: But it seems that the Wells  
16          exception to Grant is a fairly narrow one. Right? I mean,  
17          the general rule is it's not susceptible to this type of  
18          analysis unless you can show very clearly it didn't  
19          influence the decision to plead. And I think your  
20          arguments are reasonable, that it may have been this, or it  
21          may have been that. But I'm having a hard time seeing how  
22          that meets the Wells.

23                  MR. OASTLER: Well, between his focus on the  
24          physical evidence and the officer credibility, and then his  
25          his decision that the - - - the plea deal was essentially

1 too good to - - - to turn down, I think - - - I think  
2 that's - - - that's your proof. That is adequate proof  
3 here under Grant and all of the other cases that - - - that  
4 deal with that to - - -

5 JUDGE CANNATARO: What about his inquiry about  
6 being able to appeal the suppression?

7 MR. OASTLER: Absolutely. And I think that has  
8 to be viewed as entirely, again, focused on the physical  
9 evidence. Because it just - - - it just doesn't matter.

10 If this case is sent back, the People's case is  
11 no different and no worse off for - - - for suppression of  
12 of the two somewhat innocuous statements, or at least  
13 debatable in terms of how inculpatory - - - inculpatory  
14 they are. There's just no difference.

15 It - - - it's difficult to stand here and say,  
16 well, it - - - it - - - you know, I guess we don't know  
17 what his thought process is when we look at the balance of  
18 the evidence, and it just doesn't matter.

19 JUDGE CANNATARO: Well, I mean that's a pretty  
20 good legal analysis, but I'm assuming he's not an attorney.  
21 And you know, the baseline significance that you can take  
22 out of his interest in preserving his right to appeal the  
23 suppression is that the lack of suppression was could - - -  
24 could, as we've been saying - - - could have been a  
25 motivating factor in his decision to take the plea.

1 MR. OASTLER: Granted, he's not an attorney. And  
2 I suppose, could it have played a role? I - - - I suppose  
3 theoretically. But - - -

4 JUDGE GARCIA: Isn't that the whole point of - -  
5 - I think the Wells exception test is you can have this - -  
6 - this quantum of evidence that is overwhelming, you have  
7 to have that, in fact. But you can't equate that with,  
8 well, what reasonable person would have taken this deal?  
9 You need specific evidence in the record to show that the  
10 suppression issue of the statement in this case didn't  
11 affect that decision.

12 MR. OASTLER: And again, I think the things that  
13 I've pointed to speak to that.

14 JUDGE GARCIA: But you seem to be arguing, well,  
15 if we go back, we still have the gun, and the gun is enough  
16 to convict. And I think, again, that's part one.

17 MR. OASTLER: Sure. But I - - - in light of what  
18 he otherwise focused on - - - you know, there was no  
19 concern anywhere I saw in the record about the statements  
20 he made to the officers on scene. It - - - it - - - you  
21 know - - - and even as a - - - a lay individual, I don't  
22 think it's unreasonable to say that he can view the body of  
23 evidence and kind of come to the same conclusion that I  
24 might - - -

25 JUDGE TROUTMAN: But doesn't - - -

1 MR. OASTLER: - - - because it's - - - this is  
2 not a particularly complex case.

3 JUDGE TROUTMAN: - - - but doesn't what you're  
4 trying to do here, and asking us to do, is to speculate, as  
5 Grant warned was the difficulty.

6 MR. OASTLER: Not - - - well, I don't think the  
7 court is - - - has to resort entirely to speculation when  
8 we do have some record indication from the defendant - - -  
9 not even filtered through an attorney, but from him himself  
10 - - - as to what his concerns were with the case. And when  
11 it didn't extend to what he said to police, I think that's  
12 enough.

13 And I would also just note that - - - you know,  
14 some of the other decisions that this court has - - - has -  
15 - - has handed down where there's a lack of harmless error,  
16 there's - - - the harmless error does not apply, the - - -  
17 you know, the statements might connect somebody to another  
18 codefendant and thus via accomplice liability. Or it might  
19 link somebody - - - you know, the - - - the automobile  
20 where there an automobile presumption applies. Some of  
21 that can get into a slightly more complex legal analysis, I  
22 suppose. But this is just so straightforward.

23 And where there's no indication that he had any  
24 concern about the statements, I think this actually does,  
25 in fact, meet the - - - the rare standard where this would

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apply. Thank you.

CHIEF JUDGE WILSON: Thank you.

MS. SWARTZ: Very briefly, because I can read a room, and my dad always taught me not to bet against myself. But if there's anybody that's on the fence on whether or not the majority erroneously applied Grant, I think there's a mid-ground relief. Remit it back to county court and have Mr. Robles either say, yeah, I reaffirm my guilty plea, or I'd like to withdraw my guilty plea at that time, knowing the full scope of everything that's against him. I - - - I think that's a middle ground if there's anybody that's on the fence. Thank you.

CHIEF JUDGE WILSON: Thank you.

(Court is adjourned)



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C E R T I F I C A T I O N

I, Chrishanda Sassman-Reynolds, certify that the foregoing transcript of proceedings in the Court of Appeals of Eddie Robles v. The People, No. 97 was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



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