

**CASES OF INTEREST**  
**January 2010**

**People v. Ibriel Sumter**  
**Appellate Division, Fourth Department**  
**2009 WL 5126679**  
**December 30, 2009**

Defendant was arrested one month after the drug sales that were being prosecuted in this case. At the time of his arrest he had over \$1000.00 in his possession, which the trial court admitted into evidence.

The Appellate Division found that the People had failed to establish a relationship between that cash and the charges in question. Therefore, the defendant's possession of the cash was **too remote to outweigh the potential prejudice**, which invited the jury to speculate that the defendant had previously sold drugs.

Unfortunately, the Court also found that in light of the other evidence in this case, that error was harmless.

**People v. Royal Carmichael**  
**Appellate Division, Fourth Department**  
**2009 WL 5126920**  
**December 30, 2009**

The Court here found the evidence insufficient to support his conviction of criminal possession of a weapon. The gun was located in a safe in his mother's bedroom closet. Although he lived in his mother's house, the Court held that there was **neither evidence nor a permissible inference that he exercised sufficient dominion and control** over "the safe, the bedroom in which the safe was located, or his mother" to establish that he was in constructive possession of that firearm on the date of arrest.

Unfortunately, the Court found that the count charging him with murder in the second degree was not likewise legally insufficient.