

[Click to print](#) or Select '**Print**' in your browser menu to print this document.

Page printed from: <https://www.law.com/newyorklawjournal/2018/09/16/a-series-of-rare-appellate-reversal-orders-all-from-one-queens-justices-courtroom/>

A Series of Rare Appellate Reversal Orders, All From One Queens Justice's Courtroom

Queens Supreme Court Justice Ronald Hollie has repeatedly interjected himself into trial proceedings, forcing appellate panels over the past two years to order new trials before new judges at least four times.

By Colby Hamilton | September 16, 2018

On Sept. 12, the Appellate Division, Second Department, issued an opinion reversing the conviction of Lutchman Sookdeo on gang-related assault charges. A jury found him guilty in February 2017 on a number of offenses, and the appellate panel, for its part, said it found no reason to question the jury's wisdom based on the evidence against Sookdeo.



A new trial was needed, the panel—composed of Associate Justices John Leventhal, Jeffrey Cohen, Sylvia Hinds-Radix and Angela Iannacci—said, because the judge who handled the case, Queens Supreme Court Justice Ronald Hollie, “conducted excessive and prejudicial questioning of trial witnesses.”

Hollie, the appellate panel found, interjected during the questioning of multiple witnesses, eliciting “step-by-step details” about how Sookdeo was identified as a suspect by witnesses, and “generally created the impression that [he] was an advocate” for the prosecution.

“Under the circumstances, the court’s improper interference deprived the defendant of a fair trial, and a new trial before a different justice is warranted,” the panel said.

Appellate courts generally give lower court judges enormous deference as to how they manage their trials. Reversals of convictions are routine enough and court officials at every level—from appellate to trial courts, the federal branch down to the local—generally push back against attempts to elevate higher court reversals of lower courts as anything more than the process of justice at work.

But the appellate decision in Hollie’s case is just the latest in a series of at least four now within the last two years that follow a pattern of judicial interference at trial resulting in a reversal and remand for a new one before a different judge. The results are drawing questions from observers about the levelness of the playing field for defendants entering Hollie’s court, as well court administrators’ abilities to address reoccurring issues among the bench.

“That’s four reversals for this sort of thing in the last year and a half—that’s very unusual,” Legal Aid Society criminal appeals bureau supervising attorney Richard Joselson told the New York Law Journal.

‘It Certainly Raises Questions’

Legal Aid represented some of the defendants whose cases were sent back to the Queens court for retrial. Joselson noted that in each case, the defendant is likely sitting in an upstate prison while his or her case wends its way through the appellate process. Among these cases, that has meant at times years between conviction and the ordering of a new trial.

Beyond the reversal itself, Joselson said there are no automatic consequences for these kinds of judicial issues.

“It certainly raises questions about whether there’s really any significant incentive to alter the behavior,” he said.

There was a point at which the appellate court appeared to defer to Hollie. In 2014, an appellate panel of Associate Justices Mark Dillon, L. Priscilla Hall, Leonard Austin and Betsy Barros affirmed Davindra Jadu’s attempted robbery and grand larceny conviction. Hollie’s “participation in the proceedings did not deprive the defendant of a fair and impartial trial,” the panel found.

The panel went on to note, somewhat unusually, that “any potential prejudice to the defendant was minimized by the trial court’s instructions advising the jury that the court had no opinion concerning the case [.]”

The panel doesn’t expound on the details of Hollie’s actions at trial, making it impossible to compare that case to what followed. What is clear is that subsequent panels no longer saw deference as warranted.

In a February 2017 order, the panel composed of Associate Justices William Mastro, Leonard Austin, Robert Miller and Joseph Maltese reviewed Yushumpree Davis’ conviction on weapons charges in July 2013. Hollie was again found to have “conducted excessive and prejudicial questioning of trial witnesses,” requiring a new trial before a different judge. As was the situation in the Sookdeo appeal, the panel

noted that defense counsel did not object to the questioning of witnesses by the court. The panel's decision was reached in the "exercise of our interest of justice jurisdiction."

Months later in June 2017, a panel of Associate Justices Austin, Maltese, Cohen and Colleen Duffy detailed how, during the trial of Dylesha Robinson that led to a jury conviction on assault and weapons charges, Hollie "exercised little or no restraint in questioning the witnesses."

The panel quoted trial transcripts in which Hollie "redirected the inquiry and blunted the force of counsel's attempt to impeach" a complaining witness on cross-examination, leaving the defense attorney little choice to ask, repeatedly, for the judge to stop.

"Most respectfully, may I conduct my inquiry? I would like to cross-examine my own witness," the attorney is quoted saying to Hollie. **See transcript embedded with this story.**

More recently, in April, the panel composed of Associate Justices Mastro, Cohen, Sheri Roman and Sandra Sgroi again reversed a conviction, this time Christopher Hinds' 2014 robbery conviction from 2014, ordering a new trial before a new judge. The panel found that Hollie had interjected himself into the questioning of witnesses more than 50 times, asking more than 400 questions, including during testimony provided by police officers.

"THE COURT: You are being asked whether you were asked by [a detective] any questions.

"THE WITNESS: They just told us to tell the story. That's it. So they wrote down what they wrote down.

"[defense counsel]: May I ask the questions?

"THE COURT: So you are saying you are in this room[?]

"THE WITNESS: As a group.

"THE COURT: [A] group of you?

"THE WITNESS: Everyone is telling their story.

"THE COURT: How many people are in this group?

"THE WITNESS: All the victims.

"THE COURT: When you said that they were asking you to tell your story, were you all in the same room at the time that each one told their story?

"THE WITNESS: Correct.

"THE COURT: And did you tell the detectives each separately in this room what it is that you recall?

"THE WITNESS: Correct.

"[defense counsel]: Most respectfully, may I conduct my inquiry? I would like to cross-examine my own witness.

'Backward Looking'

As Legal Aid's Joselson noted, while the appellate-level reversals have occurred over the last 18 months or so, the underlying trials range from 2012 to 2017, leaving open the possibility that other convictions in Hollie's court still working their way through the system could face similar scrutiny.

"in this area, trial judges get a lot of leeway. It's only when it reaches a certain point when this appellate court or any appellate court is going to intercede as they did here," Joselson said. "It seems quiet possible that there may be additional cases that are still in the appellate pipeline that have similar issues."

Hollie did not respond to a request for comment. His chambers directed questions about the decisions to the Office of Court Administration. In an email responding to an inquiry by the Law Journal, OCA spokesman Lucian Chalfen said the cases at issue all occurred "in a short period of time" and were "backward looking."

“Judge Hollie is aware of the reversals and continues to sit in [a] busy criminal part in Queens County Supreme Court, a court that is at the forefront of the statewide reduction in case backlogs and trial delays,” Chalfen said.

In a response for an answer to the specific question of the court system’s ability to hold judge’s accountable, Chalfen said that judges have wide latitude and discretion in their courts.

“Remedies to their decisions are the appellate process—that have been used in these instances,” he said. “And judges do heed the rulings of those decisions.”

Related:

[Panel Again Reverses Conviction, Citing Proof of Uncharged Crime](https://www.law.com/newyorklawjournal/almID/1202588266254/panel-again-reverses-conviction-citing-proof-of-uncharged-crime/)

[\(https://www.law.com/newyorklawjournal/almID/1202588266254/panel-again-reverses-conviction-citing-proof-of-uncharged-crime/\)](https://www.law.com/newyorklawjournal/almID/1202588266254/panel-again-reverses-conviction-citing-proof-of-uncharged-crime/)

[Panel Vacates Conviction Over Response to Jury Note](https://www.law.com/newyorklawjournal/almID/1202729325250/panel-vacates-conviction-over-response-to-jury-note/)

[\(https://www.law.com/newyorklawjournal/almID/1202729325250/panel-vacates-conviction-over-response-to-jury-note/\)](https://www.law.com/newyorklawjournal/almID/1202729325250/panel-vacates-conviction-over-response-to-jury-note/)