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*****FOR IMMEDIATE RELEASE*****

***LEGAL AID WINS NYS COURT OF APPEALS CASE
UPHOLDING NEW YORKERS' RIGHTS TO CHALLENGE
UNFAIRLY INFLATED MISDEMEANOR CHARGES ON
APPEAL***

(NEW YORK, NY) – **The Legal Aid Society** celebrated a New York State Court of Appeals [decision](#) today in *The People v. Mouhamed Thiam*, a case in which the prosecution had sought to overturn well-established precedent securing the rights of New Yorkers to challenge jurisdictionally defective charges on appeal.

The Court affirmed the decision of the Appellate Term reversing Mr. Thiam's conviction of seventh-degree criminal possession of a controlled substance. In so doing, it retained essential protections for New Yorkers facing unfairly inflated charges, hastily drafted by prosecutors, in New York City's Criminal Court.

From the Court of Appeals decision:

“Even if the accusatory instrument properly sets out a lower-grade offense, a defendant's challenge to a conviction based on the jurisdictional deficiency of a higher grade crime of a multi-count complaint is not waived by the defendant's guilty plea. The Appellate Term properly reversed the judgment of conviction and sentence on the ground “that it was jurisdictionally defective as to the crime of which defendant was actually convicted” (*People v Hightower*, 18 NY3d 249, 254 [2011]).”

“This decision upholds a longstanding protection in misdemeanor cases permitting our clients to challenge on appeal improperly inflated criminal charges brought by prosecutors. It also builds on the recently enacted pretrial criminal justice reforms designed to ensure that our clients and other New Yorkers are not coerced into taking plea deals that do not fairly reflect their conduct. We are delighted that we were able to achieve this victory for our client, Mr. Thiam, and we laud the Court for rejecting the prosecution’s effort to roll back an important protection that the criminal legal system has long provided,” said **Will Page, Staff Attorney with the Criminal Appeals Bureau at The Legal Aid Society.**

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>