

# State of New York Court of Appeals

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## OPINION

This opinion is uncorrected and subject to revision  
before publication in the New York Reports.

No. 83  
The People &c.,  
Respondent,  
v.  
Tammy Nantan,  
Appellant.

Iván Pantoja, for appellant.  
Joshua P. Weiss, for respondent.

RIVERA, J.:

Defendant asserts that CPL 30.30 (6), which provides that speedy trial claims “shall be reviewable upon an appeal,” including from a conviction based on a guilty plea, applies to appeals pending as of its effective date. We conclude that the plain text of CPL 30.30

(6) expands appellate review of speedy trial claims to all cases, without reservation, regardless of whether the appeal arose from a judgment of conviction entered prior to when the statute took effect. Therefore, we reverse and remit to the Appellate Term.

I.

Defendant Tammy Nantan was charged with misdemeanor assault and other lesser counts. Under CPL 30.30, the prosecution had 90 days to declare ready for trial (*see* CPL 30.30 [1] [b]). A year later, after several court appearances where the prosecution declared not ready, purportedly because of the unavailability of a key witness on military leave, defendant moved to dismiss the action on speedy trial grounds. Months later, Criminal Court denied the motion as well as defendant’s motion to reargue. Defendant then pleaded guilty to a reduced charge of harassment in the second degree (Penal Law § 240.26) on February 22, 2018. The court sentenced defendant to a one-year conditional discharge and imposed two orders of protection.

CPL 30.30 (6) took effect on January 1, 2020, while defendant’s appeal was pending.<sup>1</sup> Defendant perfected her appeal in November 2024, raising only the alleged

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<sup>1</sup> CPL 30.30 (6) was part of a “sea change” in our State’s statutory speedy trial and criminal discovery regimes, prompted by longstanding failures in the adjudication of criminal matters (*cf. People v King*, 42 NY3d 424, 427 [2024]; *see also People v Bay*, 41 NY3d 200, 208 [2023]). The Legislature was spurred to action by the tragic case of Kalief Browder, a young New Yorker who committed suicide after he “spent three years jailed at Rikers Island[ ] on a charge for which he was never tried or convicted” (Senate Introducer’s Mem in Support of 2021 NY Senate Bill S1738, enacted as L 2019, ch 59, pt KKK § 1 at 1, 9). The sweeping package of reforms enacted as “Kalief’s Law” tackled the “intertwined problems of extended pretrial incarceration and discovery delay” by “tying” the prosecution’s readiness requirements to “discovery requirements, [and] requiring the

erroneous denial of her speedy trial motion. The Appellate Term affirmed the judgment of conviction, concluding that defendant forfeited her speedy trial claim by pleading guilty and that CPL 30.30 (6) does not apply retroactively to pre-enactment convictions (85 Misc 3d 142[A], 2025 NY Slip Op 50741(U), \*1 [App Term, 1st Dept 2025]). A Judge of this Court granted defendant leave to appeal (44 NY3d 1012 [2025]).

## II.

“The primary consideration of courts in interpreting a statute is to ascertain and give effect to the intention of the Legislature” and, as such, we look to the “plain meaning of the statutory text [as] the best evidence of legislative intent” (*People v Galindo*, 38 NY3d 199, 203 [2022] [internal quotation marks omitted]). “The language of a statute is generally construed according to its natural and most obvious sense in accordance with its ordinary and accepted meaning” (*Samiento v World Yacht Inc.*, 10 NY3d 70, 78 [2008] [internal quotation marks and ellipsis omitted], quoting McKinney’s Cons Laws of NY, Book 1, Statutes § 94, at 191-194 [1971 ed.]; accord *Volokh v James*, — NY3d —, —, 2026 NY Slip Op 03913, \*4 [2026] [“(W)e give words their natural meaning, while aiming to harmonize each provision with the statute as a whole and the expressed purpose of the

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People to possess evidence that they are in fact ‘ready’ for trial” (*id.* at 9). This new regime aimed to transform CPL 30.30 as it existed. The Legislature cited to, and sought to address, reports of systemic failures in the lower courts, including over “70 percent of felony cases” exceeding “New York’s ‘speedy trial[ ]’ guidelines[,]” in Bronx County, where Mr. Browder was arraigned (*id.* at 9). The adopted reforms sought to provide a meaningful guarantee of a speedy trial for all criminal defendants.

enactment”)). “[U]nambiguous language of a statute alone is determinative” (*Galindo*, 38 NY3d at 203 [internal quotation marks omitted]; *see also Matter of Washington Post Co. v New York State Ins. Dept.*, 61 NY2d 557, 565 [1984]).

CPL 30.30 (6) provides that “[a]n order finally denying a motion to dismiss [on speedy trial grounds] *shall be reviewable upon an appeal* from an ensuing judgment of conviction notwithstanding the fact that such judgment is entered upon a plea of guilty” (emphasis added). The Legislature enacted this provision as part of a package of reforms to CPL 30.30, New York’s speedy trial statute (*see* L 2019, ch 59, part KKK § 1; *see also* L 2019, ch 59, part LLL, § 2 [enacting related reforms to New York’s criminal discovery laws]). Prior to these reforms, and to the enactment of CPL 30.30 (6) specifically, a defendant’s guilty plea foreclosed appellate review of a claim that the prosecution failed to declare ready within the applicable statutory time limit (*see e.g. People v Howe*, 56 NY2d 622, 624 [1982] [“By his plea of guilty defendant forfeited his claim to dismissal of the indictment pursuant to CPL 30.30. . . . (A)ny attempt (by defendant to preserve such a claim) would have been ineffectual” (internal citation omitted)"]); *see also People v Suarez*, 55 NY2d 940, 942 [1982] [“Defendant’s contention that his rights under CPL 30.30 were violated was forfeited when he entered his plea of guilty”]; *People v Friscia*, 51 NY2d 845, 847 [1980]).

In light of this history, the Legislature sought to enable appellate review following a guilty plea and, for purposes of speedy trial motions, thus place defendants who pleaded guilty on equal footing with those who proceeded to trial (*see* NY Senate Debate on 2019 NY Senate Bill S1509C, Mar. 31, 2019 at 2613 [bill sponsor affirming that “the right to

appeal” a speedy trial determination following a plea “is preserved”]). The Legislature accomplished this goal with CPL 30.30 (6), a concise, one-sentence direction of appellate review over formerly unreviewable speedy trial claims. It is hornbook law that the phrase “shall be” is mandatory, leaving no room for an appellate court to consider a speedy trial challenge forfeited as the result of a guilty plea (*see Dalziel v Rosenfeld*, 265 NY 76, 79 [1934] [concluding statutory amendment applies prospectively and emphasizing that words such as “shall be” “unmistakably” “import futurity”]; *Carl Marks & Co., Inc. v Union of Soviet Socialist Republics*, 665 F Supp 323, 337 [SD NY 1987] [“The use of ‘shall have’ indicates prospective application”], *affd* 841 F2d 26 [2d Cir 1988]; *cf. People v Pastrana*, 41 NY3d 23, 29 [2023] [holding that Penal Law § 220.05 (3)’s requirement that a finding of criminal activity “shall” not be based solely on cannabis odor applied “immediately” and prospectively]; McKinney’s Cons Laws of NY, Statutes § 51, Comment [“a statute framed in future words, such as ‘shall’ or ‘hereafter,’ is construed as prospective only”]). The Legislature’s use of the expansive phrase “upon an appeal,” which includes no reservations or qualifiers, further confirms that the only prerequisite for appellate review of a CPL 30.30 claim is the filing of an appeal.

Consequently, CPL 30.30 (6) unambiguously and unconditionally applies to *all* criminal appeals challenging an underlying order finally denying a motion to dismiss based on speedy trial grounds, regardless of whether the conviction arose from a guilty plea or a trial verdict. Appellate review of speedy trial errors alleged in pending appeals advances the salutary policy objectives that underlie Kalief’s Law by ensuring errors in the timely adjudication of criminal matters are corrected not only for the affected individual

defendant, but throughout our State’s criminal legal system. As we have emphasized, statutory amendments that are “procedural and remedial in nature . . . should be liberally construed to spread [their] beneficial effects as widely as possible” (*Matter of Asman v Ambach*, 64 NY2d 989, 991 [1985]). And of particular import for our interpretive analysis, there is a complete absence of any language exempting pending appeals or limiting its application solely to future convictions (*see People v Viviani*, 36 NY3d 564, 580 [2021], citing McKinney’s Cons Laws of NY, Book 1, Statutes § 74 [(“T)he failure of the Legislature to include a matter within the scope of an act may be construed as an indication that its exclusion was intended”])). Our analysis ends here because the plain language is “precise and unambiguous, [and thus] determinative” (*see Matter of Washington Post Co.*, 61 NY2d at 565).

### III.

Despite the clarity with which the Legislature has spoken, the prosecution contends that CPL 30.30 (6) is intended to apply only to appeals filed after its effective date. The prosecution claims that because the notwithstanding clause speaks in the present tense to a judgment of conviction that “is entered upon a plea of guilty,” CPL 30.30 (6) applies by its express terms only while the statute is operative. On the prosecution’s reading, if the Legislature intended to extend appellate review to pending appeals it would have said so. That argument misses the mark and places undue weight on the single word “is” to contrive a limitation where none exists. Our point of departure is CPL 30.30 (6)’s express authorization of appellate review in all cases—i.e. a speedy trial claim “shall be reviewable

upon an appeal”—which perforce includes pending appeals. That sweeping language makes plain the Legislature’s intent to expand appellate jurisdiction. Given that language and its intended purpose, we would expect the Legislature to expressly state any exclusion rather than—as the prosecution claims—further expound on what the broad language by its terms encompasses. As a textual matter, the prosecution’s interpretation finds no support in the language and well-established rules of statutory interpretation.

The prosecution then pivots and argues that application of CPL 30.30 (6) to pending appeals would have an impermissible retroactive effect. Therefore, according to the prosecution, we must cabin the right to appeal prospectively to judgments of conviction entered after the provision took effect (CPL 30.30 [6]). This argument is no more persuasive and reveals the prosecution’s fundamental misunderstanding of the authority legislatively vested to appellate courts by CPL 30.30 (6).

CPL 30.30 (6) governs appellate *procedure*. “Procedural changes” to statutes are, “in the absence of words of exclusion” from the Legislature, “deemed applicable to subsequent proceedings in pending actions” (*see Simonson v International Bank*, 14 NY2d 281, 288-290 [1964], citing *Lazarus v Metro. Ry. Co.*, 145 NY 581, 585 [1895], and *Coane v American Distilling Co.*, 298 NY 197, 204 [1948] [requiring a “clear expression of legislative purpose” to the contrary (alterations omitted)]). All parties “prosecute[ ] [their] action[s] subject to the power of the [L]egislature in matters of practice to abrogate rules existing when [their] action was brought, or make additional rules, and all subsequent proceedings will be governed thereby” (*Lazarus*, 145 NY at 585). In this sense, procedural statutes apply prospectively. Jurisdictional statutes, like CPL 30.30 (6), are no exception

to this general rule. Under our State Constitution, “[i]t is well settled that [an] appeal is not a matter of constitutional right, and in criminal (noncapital) cases an appeal lies only by virtue of statutory authorization; such jurisdiction can never be assumed, unless a statute expressly authorizes its exercise” (*Matter of Ryan (Hogan)*, 306 NY 11, 16 [1953] [collecting cases]; *see also* Arthur Karger, Powers of the New York Court of Appeals § 20:1 [3d ed rev, Aug. 2026 update]; NY Const art VI, § 4 [k]).

Thus, jurisdictional statutes are procedural as they affect the *methods* through which the parties vindicate their substantive rights, but do not alter or infringe upon those rights themselves (*see Berkovitz v Arbib & Houlberg*, 230 NY 261, 270-271 [1921, Cardozo, J.] [changes to “form of procedure” and “form of remedies” including fora where “differences . . . [are] settled . . . is not a definition of the rights” of the parties, and consequently, these changes are “applicable even . . . if directed to the litigation in future steps”]). Here, the Legislature provided for appellate review of otherwise unreviewable speedy trial claims, and as we have explained, those changes became effective “immediately” (*see Pastrana*, 41 NY3d at 29). Indeed, when the Legislature enacted Code of Criminal Procedure 813-c, a similarly written statute that expanded appellate jurisdiction over suppression motions, the Appellate Division properly applied those changes to appeals pending upon the effective date of the legislation (*see People v Sullivan*, 18 AD2d 1066, 1066 [1st Dept 1963] [expansion of appellate review to suppression motions preceding a plea applied to all pending appeals]; *People v Rosen*, 24 AD2d 1009, 1009 [2d Dept 1965] [same]).<sup>2</sup>

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<sup>2</sup> Code of Criminal Procedure 813-c, the predecessor to CPL 710.70 (2), provided that an order denying a motion to suppress evidence “may be reviewed on appeal from a judgment

In sum, CPL 30.30 (6) mandates that speedy trial claims “shall be reviewable upon an appeal from an ensuing conviction,” “notwithstanding” that the speedy trial determination was succeeded by a judgment of conviction entered upon a plea. On its face, CPL 30.30 (6) expands the jurisdiction of the appellate courts and applies to all appeals pending when it took effect. We find no express language limiting or otherwise restricting section 30.30 (6) only to judgments of conviction entered after its effective date. “[I]f the [L]egislature had intended to limit appellate review, . . . it easily could have said so” (*People v Holz*, 35 NY3d 55, 60 [2020]). Therefore, the Appellate Term should have considered defendant’s speedy trial claim.

Order reversed and case remitted to the Appellate Term for further proceedings in accordance with this opinion.

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of conviction notwithstanding the fact that such judgment of conviction is predicated upon a plea of guilty.” The fact that this statute was understood to apply to appeals pending on its effective date buttresses our conclusion that the legislature intended CPL 30.30 (6) to have that same effect (*see Galindo*, 38 NY3d at 205 [“We assume the legislature was aware of the state of the law and acted with that understanding”]).

CANNATARO, J. (dissenting):

Because the legislature did not intend CPL 30.30 (6) to apply retroactively to revive statutory speedy trial claims that were deemed forfeited by a guilty plea entered prior to the statute's effective date, I would affirm.

In June 2016, following an altercation with her neighbors, defendant was charged with two counts of assault in the third degree, endangering the welfare of a child and two counts of harassment in the second degree. After initially declaring their readiness for trial, the People answered not ready at several subsequent appearances due to their inability to produce a necessary police witness who was on military leave out of state. Following a series of adjournments on this basis, defendant moved to dismiss the accusatory instrument pursuant to CPL 30.30.

Criminal Court denied the motion, finding that the adjournments required by the People were excludable under CPL 30.30 (4) (g) as exceptional circumstances. Defendant pleaded guilty to harassment in the second degree in February 2018. The Appellate Term affirmed, concluding that defendant forfeited review of her statutory speedy trial claim by her guilty plea, and that CPL 30.30 (6), which went into effect after the judgment of conviction was entered, did not apply retroactively (*see* 85 Misc 3d 142[A], 2025 NY Slip Op 50741[U] [App Term, 1st Dept 2025]).

As we have often recognized, a guilty plea generally “marks the end of a criminal case, not a gateway to further litigation,” as it “signals [a] defendant’s intention not to litigate the question of [their] guilt” and “effects a forfeiture of the right to renew many arguments made before the plea” (*People v Taylor*, 65 NY2d 1, 5 [1985] [internal quotation marks and citations omitted]). This is because, when a defendant has pleaded guilty, the “conviction rests directly on the sufficiency of [the] plea, not on the legal or constitutional sufficiency of any proceedings which might have led to [a] conviction after trial” (*People v Konieczny*, 2 NY3d 569, 572 [2004] [internal quotation marks and citations omitted]). In

accordance with the preceding principles, prior to 2019, it was well-settled that a defendant forfeited a statutory speedy trial claim by pleading guilty (*see People v O'Brien*, 56 NY2d 1009, 1010 [1982]; *People v Suarez*, 55 NY2d 940, 942 [1982]). Indeed, the parties could not even bargain to preserve such a claim for appellate review with approval of the plea court (*see O'Brien*, 56 NY2d at 1010).

In April 2019, as part of a larger package of criminal justice reforms, the legislature enacted CPL 30.30 (6), providing that an order denying a statutory speedy trial motion “shall be reviewable upon an appeal from an ensuing judgment of conviction notwithstanding the fact that such judgment is entered upon a plea of guilty” and setting the effective date of the legislation for January 1, 2020 (*see* L 2019, ch 59, part KKK, § 1, 2), almost two years after defendant’s conviction.

“It is fundamental that a court, in interpreting a statute, should attempt to effectuate the intent of the Legislature” (*Matter of Jeter v Poole*, 43 NY3d 241, 250 [2024] [internal quotation marks and citations omitted]). In this vein, we do not “reflexively appl[y] statutory amendments simply because they were effective by the time the appeal was heard, but instead . . . analyze[] what effect, if any, the legislature intended the statutory amendments to have on proceedings already commenced” (43 NY3d at 250-251). “[R]etroactive operation is not favored by courts and statutes will not be given such construction unless the language expressly or by necessary implication requires it” (43 NY3d at 250 [internal quotation marks and citations omitted]). To the contrary, there is a “strong presumption of prospectivity,” even where statutes are characterized as remedial or procedural in nature (*Majewski v Broadalbin-Perth Cent. School Dist.*, 91 NY2d 577,

584 [1998]). Accordingly, as a matter of statutory interpretation, before we will give a statutory amendment retroactive application, we require “ ‘a clear expression’ ” by the legislature that it intended that result (*Gottwald v Sebert*, 40 NY3d 240, 259 [2023], quoting *Matter of Regina Metro. Co., LLC v New York State Div. of Hous. & Community Renewal*, 35 NY3d 332, 370 [2020]).

Applying a new statute to past conduct in cases pending on direct appeal will have “retroactive effect if ‘it would impair rights a party possessed when [they] acted, increase a party’s liability for past conduct, or impose new duties with respect to transactions already completed,’ thus impacting ‘substantive’ rights” (*Regina*, 35 NY3d at 365, quoting *Landgraf v USI Film Products*, 511 US 244, 278-280 [1994]). The majority’s determination that CPL 30.30 (6) would not do any of those things here rests on the premise that the statute “governs appellate *procedure*” (*see* majority op at 7-8). I cannot agree. The statute’s application to this case would instead have the decidedly substantive consequence of resurrecting on appeal a party’s claim for dismissal that, as part of a bargained-for exchange with the People, was previously forfeited by operation of law. In this respect, CPL 30.30 (6) is not merely an amendment to appellate procedure but would, instead, “upset[] reliance interests” by altering the settled expectations of the parties and thereby deprive the People of a benefit of their bargain (*see e.g. Regina*, 35 NY3d at 365).<sup>\*</sup> The majority cites no Court of Appeals precedent supporting the conclusion that such a result

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<sup>\*</sup> Even if the statute were solely procedural in nature, that would not “automatically overcome the strong presumption of prospectivity” (*see Jeter*, 43 NY3d at 252 [internal quotation marks and citation omitted]).

merely “affect[s] the *methods* through which the parties vindicate their substantive rights” (majority op at 8).

Nor does CPL 30.30 (6) have anything to do with appellate jurisdiction (*see* majority op at 7-9). Appellate courts have jurisdiction to hear appeals from a judgment of conviction, including claims of error in the criminal court proceeding adversely affecting the appellant (*see* NY Const, art VI, §§ 3, 4, 8; CPL 450.10; 470.15; 450.90). Consequently, an order denying a statutory speedy trial motion is within an appellate court’s subject matter jurisdiction, even if review of that determination was deemed forfeited prior to the enactment of CPL 30.30 (6) where the judgment was entered upon a guilty plea (*see e.g. People v Callahan*, 80 NY2d 273, 284-285 [1992]). The legislation at issue here changed only the *reviewability* of these orders, not the courts’ jurisdiction.

Because the statute’s application to this case would be a retroactive one, we must search for the requisite “clear expression” of legislative intent (*Gottwald*, 40 NY3d at 259 [internal quotation marks and citation omitted]). Neither the plain language of the statute nor the legislative history evinces any clear intent to revive forfeited claims. As the majority observes, CPL 30.30 (6) provides that an order denying a statutory speedy trial motion “shall be reviewable upon an appeal from an ensuing judgment of conviction.” This language clearly indicates an intent to change the longstanding forfeiture rule, but is silent as to the timing of the application of that change.

The majority’s reference to the statute’s present-tense language is therefore analytically misplaced (*see* majority op at 4-5). Indeed, this Court has squarely held that statutes using the word “shall” can have retroactive effect, including when such statutes

are applied to post-enactment stages of litigation (*see e.g. Jeter*, 43 NY3d at 246-247, 251-253 [declining to retroactively apply to post-enactment litigation a statute providing that “there shall be an irrebuttable presumption” at administrative hearings]; *contra* majority *op* at 4-5). This makes sense, because in determining whether a statute’s application to a given case is retroactive in nature, what matters is what the statute actually *does* (*see Regina*, 35 NY3d at 365; *Landgraf*, 511 US at 278-280). To be sure, the text of a statute may evidence whether the legislature intended the statute to operate retroactively (though the text of CPL 30.30 [6] does not do so in my view). But a statute’s text cannot answer on its own the antecedent question of whether the statute’s application is retroactive in the first place; that question must instead be answered by assessing whether the statute’s application, in its effects, would “impair rights a party possessed when [they] acted, increase a party’s liability for past conduct, or impose new duties with respect to transactions already completed,” thus impacting ‘substantive’ rights” (*Regina*, 35 NY3d at 365 [citation omitted]). My colleagues in the majority elide this vital distinction.

Nor does the legislative history of CPL 30.30 (6) indicate any intent to apply this provision retroactively. The 2019 criminal justice legislation was largely a discovery reform package, expanding and restructuring disclosure requirements and linking the People’s disclosure obligations to trial readiness in order “[t]o incentivize the People’s compliance with these procedures” (*see People v Bay*, 41 NY3d 200, 204, 208 [2023]). More significantly, as we explained in rejecting the retroactive application of other amendments to CPL 30.30 enacted in the same section of the same bill as the amendments at issue here, “the legislature *delayed* the amendment’s effective date for eight months,

indicating its intent that [the statute] apply prospectively” (*People v Galindo*, 38 NY3d 199, 207 [2022] [“The postponement of the effective date . . . furnishes critical and clear indicia of intent. If the amendment() (was) to have retroactive effect, there would have been no need for any postponement”] [internal quotation marks and citation omitted]; *see also People v King*, 42 NY3d 424, 428 [2024] [no indication of legislative intent to “revert the People to a state of unreadiness”]). In short, there is every indication that the legislature did not contemplate reaching back and altering the expectations of the parties with respect to judgments previously entered (*compare* L 2025, ch 56, part LL, § 8 [amending CPL 30.30 (5)] [“This act shall take effect on the ninetieth day after it shall have become a law and shall apply to all criminal actions pending on such date and all actions commenced on or after such date”])).

In light of the above, and given the strong presumption against retroactive application of statutes, I would hold that the legislature intended that this amendment, effecting a substantive change to settled expectations in the handling of speedy trial procedures, should be applied only prospectively to appeals where judgment was entered after its effective date.

Order reversed and case remanded to the Appellate Term, First Department, for further proceedings in accordance with the opinion herein. Opinion by Judge Rivera. Chief Judge Wilson and Judges Troutman and Halligan concur. Judge Cannataro dissents and votes to affirm in an opinion, in which Judges Garcia and Singas concur.

Decided October 29, 2026