

COERCIVE CONTROL CASE LAW

Alan Rosenthal

For defense counsel litigating DVSJA cases, you may find it useful to review how coercive control has been referred to in several different areas of the law in order to support your argument that the person you represent was subjected to substantial physical, sexual or psychological abuse and that such abuse was a significant contributing factor to their criminal behavior.

References to coercive control are found in array of both criminal and civil cases. These include decisions in criminal cases involving the DVSJA. Sirois hearing, START Act, and the use of expert testimony to explain a witness's behavior. In the civil context references to coercive control can be found in decisions pertaining to matrimonial issues, custody, exclusive use and possession of marital residences, and neglect.

Below you will find cases that reference coercive control broken down into categories.

CRIMINAL CASES

DVSJA Cases

People v. D.M., 72 Misc. 3d 960 (Sup. Ct. Queens County 2021)

D.M. pleaded guilty to Manslaughter in the first degree and was sentenced to 15 years with 5 years postrelease supervision. After having served more than 7 years, D.M. filed for resentencing pursuant to CPL § 440.47. D.M. participate in the murder of a third person along with her abusive partner. Domestic abuse and coercive control were significant contributing factors. A hearing was held and both D.M. and her expert, Dr. Goldsmith testified. Before the hearing was completed the prosecution consented to the resentencing motion. In the court's decision the judge quotes extensively from the testimony of Dr. Goldsmith about the many ways that D.M. was subjected to coercive control by her intimate partner, including that her abusive partner "wanted to know her whereabouts at all time, did not permit her to be alone at any moment, locked her in their apartment when he left, frequently checked her body for evidence of infidelity, and urinated on her clothes." In addition "[h]e took control over her finances, invading her bank account and withdrawing her Social Security disability money to buy drugs" and "frequently threatened to kill her, and he threatened to kill her family if she ever left him" also "pressured her to abuse cocaine and heroin to keep her in a kind of altered state to assist in maintaining her compliance." Dr. Goldsmith opined that as a result of these tactics D.M. was

‘under his coercive control throughout the relationship, and that the effects of such abuse were cumulative, and as a result D.M. “stopped resisting,” and was in a “situation of diminished will...[d]iminished autonomy... [d]iminished independence.” D.M. was resentenced to a determinate sentence of 5 years and 5 years postrelease supervision.

People v. Terrance S., 85 Misc. 3d 1246(A) (Sup. Ct. New York County 2025)

Terrance pleaded guilty to Manslaughter in the first degree and was sentenced to 15 years and 5 years postrelease supervision. He filed for resentencing pursuant to the DVSJA. While Terrance was driving under the influence of alcohol, along with his abusive partner, the two argued, and fought. At some point Terrance accelerated and accidentally ran into an innocent third person. A hearing was held as all three prong were contested by the prosecution. The judge granted the DVSJA motion and resentenced Terrence to 5 years and 5 years postrelease supervision. At the time of the resentencing Terrance had served approximately 8 years.

Two experts testified and there is helpful information provided about domestic violence in same-sex intimate partner relationships with similar patterns of domestic violence as with straight couples including coercive control, physical abuse, emotional abuse, exploitation and financial exploitation. Common misconceptions about domestic violence were addressed including the misconception that domestic violence only “involves somebody being hit or physically assaulted,” and that the “man is always the perpetrator.” Examples of some of the tactics of coercive control were addressed. There is also helpful expert testimony about the dynamics of intimate partner violence among gay men. One expert explained that trauma changes how people interact with others, making survivors “susceptible to coercion and control.” There is helpful testimony that the abuse was a “significant contributing factor to Terrance having consumed that much alcohol and to his response to [his intimate partner’s] aggression on that day.”

Other DVSJA Cases

There have been a number of DVSJA cases in which DVSJA relief has been granted based upon psychological abuse that included the tactics of coercive control without specific reference to the concept of coercive control. Examples of these tactics as described in the cases listed below may be useful. It should also be noted that in almost all of these case relief was granted based upon both physical and psychological abuse.

DVSJA Relief Granted

People v. S.M., 72 Misc. 3d 809, 813, 815 (Co. Ct. Erie County 2021)

The court consider the psychological tactics of being abusive, controlling, name calling, pointing a pistol at the survivor, and using fear to control and manipulate.

People v. Smith, 69 Misc. 3d 1030, 1034, 1035, 1038 (Co. Ct. Erie County 2020)

The court found that the abuse in this case started when the survivor was 15 years old at the hands of her 71-year-old abuser, and that it included sexual abuse, coercion, exploitation, victimization as a sexually exploited child and as sex trafficking. The survivor was exploited and coerced by her abuser threatening to kill her with a gun, escalating offers of money and gifts for sex and by threatening to expose the relationship to her father.

People v. K.B., 81 Misc. 3d 1224(A) (Sup. Ct. Erie County 2023)

In addition to the physical abuse which included kicking the survivor in the stomach while she was pregnant and kicking their baby after she was born, the court relied on verbal abuse and constant pinching that sometimes left marks to silence the survivor when they were around other people.

People v. Ava O.O., 233 A.D. 3d 1186, 1189, 1190 (3d Dept. 2024)

The psychological abuse in this decision recognized threats to kill the survivor as her abuser claimed to have done to another woman and forced her to prostitute herself. The abuser isolated the survivor from her family and moved her to different locations to thwart any attempts by her family to intervene and remove her from the abusive relationship. The court recognized that the survivor had “very little control” over her life at the time of the crime.

People v. V.R., 83 Misc. 3d 1213(A) (Co. Ct. Erie County 2024)

The court based its decision in part on the financial control exercised over the survivor’s finances, verbal diatribes, threats to “disappear” the survivor, describing it not as a “threat” but a “promise.” The acts of control included demanding her paycheck, constant insults, removal of the survivor’s vehicle license to prevent her from using it for transportation, and cancelling the survivor’s car insurance and keeping the refund.

DVSJA Relief Denied

People v. Wendy B.-S., 239 A.D.3d 1317, 1319-20 (4th Dept. 2024)

Although DVSJA relief was ultimately denied based upon prong three, the Appellate Division did find that the abuse in this case did satisfy the first two prongs of Penal Law § 60.12. The abuse found sufficient included manipulative and controlling behavior, emotional and psychological abuse and threatening to harm survivor’s young son from another relationship. The court emphasized that the cumulative effect of the abuse must be considered.

People v. J.M., 84 Misc. 3d 201 (Co. Ct. Orange County 2024)

In this case the court rejected the proof of abuse based upon the theory of coercive control and physical abuse despite testimony from the internationally renowned expert Dr. Evan Stark. Dr. Stark testified that J.M. was under the coercive control of her abusive boyfriend who was her co-defendant in a murder prosecution and opined that his coercive control over J.M. “rendered her unable to extricate herself from” him. The court appeared to accept the prosecution

argument that Dr. Stark’s expert testimony was facially absurd and not worthy of being credited. In addition the court found that the testimony of the survivor was “deceptive and appeared to be tailored to her instant application in an attempt to manipulate the court.”

People v. A.L., 85 Misc. 3d 616 (Sup. Ct. New York County 2024)

There was extensive expert testimony about coercive control. The court credited the expert’s description of coercive control but did not find it to be a significant contributing factor. The court appeared to be reluctant to find in favor of A.L., in part because she did not testify, in part because she acted contrary to the direction of her controlling partner, and in part because the judge “wholly agrees with the *B.N.* court’s analysis” [*People v. B.N.*, 79 Misc. 3d 740, 765-770 (Sup. Ct., Cayuga)] that the phrase “significant contributing factor” necessarily required that such abuse be a causative factor in a defendant’s crime, an analysis rejected by many lower courts.

Frye Hearing

People v. Abdur-Razzaq, 60 Misc. 3d 631 (Sup. Ct. Bronx County 2018)

Expert testimony was proffered by the prosecution “to explain certain paradoxical conduct of victims” of sex trafficking. The decision recounts the extensive testimony of several experts, particularly Dr. Chitra Raghavan, taken in the course of a *Frye* hearing. The testimony extensively addresses the issues of coercive control and trauma bonding. As a result of this hearing the court determined “that the proffered expert testimony regarding trauma bonding between sex traffickers and their victims and the coercive control tactics utilized by sex traffickers have the required scientific basis for admission” and that “it is not within the common knowledge of the average juror,” and would therefore be admissible.

The extensive testimony and explanations about coercive control and trauma bonding makes this a must-read case for anyone raising coercive control and/or trauma bonding in the course of a DVSJA case. In the decision the judge synthesizes the testimony of the expert witnesses and defines coercive control as “the use of various tactics by an abuser to strip the abused target of his or her autonomy and liberty, and to create or maintain a power imbalance,” and identifies the various tactics used by abusers to include “intimidation, deprivation, micro-regulation, manipulation, blackmail, degradation, isolation, or perceived isolation” that are “frequently tailored to the particular vulnerabilities and needs of the victim.” As a result of these tactics a traumatic bond is formed that gives rise to paradoxical, incongruous behavior by the survivor. “The victim may not leave the abusive situation, may return to the abusive situation, or may delay reporting the abuser to law enforcement. The victim may defend the abuser, downplay the treatment she received, testify on behalf of the abuser, recant, lie to protect the abuser, or provide inconsistent responses over time. According to Dr. Raghavan “trauma bonding occurs in fifty percent of the victims.”

START ACT: Motion to Vacate Judgment – CPL § 440.10 (1)(i) and (6)

People v. M.D.A., 2025 NY Slip Op 25274 (Sup. Ct. Queens County 2025)

Pursuant to this statute the court has the authority to vacate the conviction and dismiss the accusatory instrument on the basis that the person's conviction in each offense charged was a result of having been a victim of sex and labor trafficking. The decision is in large part based upon the proof presented on behalf of M.D.A. that as a result of the abusive tactics of her trafficker, including use of force, sexual assault, instilling fear that he would cause physical injury to the survivor and her family and instilling fear in defendant that he would cause her to be subject to criminal charges or deportation if she failed to obey him, she became trauma bonded to him which caused her to engage in the criminal conduct that was the subject of the motion. The motion for relief pursuant to CPL § 440.10 (1) (i) and (6) was granted in its entirety.

People v. A.W., 87 Misc. 3d 481 (Crim. Ct. Queens County 2025)

When A.W. was 16 years old she was kidnapped by T.C., who raped her, threatened to kill her, threatened to take her daughter if she did not return to commercial sex work, and forced her to engage in commercial sex work by threats, debt bondage, and acts of physical violence. This decision recognizes the trauma that sex trafficking inflicts on its victims and its effect on their behavior. The court recognized that the traumatic humiliation and sexual violence experienced by survivors of sex trafficking may negatively affect a person's mental health for their entire life and has a cumulative effect. As a result of the acts of the sex trafficker she was "deprived of any agency or independence" while under her trafficker's control. The motion to vacate 11 convictions that were the result of A.W. being commercially sex trafficked.

People v. P.V., 64 Misc. 3d 344 (Crim. Ct. Queens County 2019)

The court granted the motion based upon a finding that P.V. was a victim of sex trafficking while under her trafficker's coercive control. P.V.'s trafficker used a variety of tactics involving the threat of force, fraud or coercion to induce defendant to engage in prostitution. There coercive tactics were used to instill fear in P.V. in order to keep her under control.

Sirois Hearing

People v. Byrd, 51 A.D.3d 267 (1st Dept. 2008)

The survivor of domestic violence, Jill, was assaulted by her abusive intimate partner requiring hospitalization and surgery to save her life. Initially she cooperated with the prosecution. Her abuser was charged with attempted murder. Jill testified before the grand jury but later stopped cooperating and stated that she would refuse to testify at trial. A *Sirois* hearing was held to determine whether Jill should be considered unavailable to testify at trial as a result of her abuser's actions so that her Grand Jury testimony could be used against her abuser. The court found that Supreme Court was correct in admitting Jill's grand jury testimony because Byrd had induced her unavailability to testify as a result of his coercive control of her.

People v. Wright, 79 Misc. 3d 1226(A) (Sup. Ct. Suffolk County)

A *Sirois* hearing was held to determine whether the prior grand jury testimony of a prosecution witness could be used at trial on the theory that this prosecution witness was no

longer available because she would no longer cooperate as she was under the “coercive control” of her abuser. At the hearing the prosecution presented evidence of the many ways that the defendant exercised control over the witness causing her to become uncooperative and unwilling to give testimony against her abuser. The grand jury testimony was admitted.

CIVIL CASES

Neglect

Matter of Aisha R. (Ariel T.), 79 Misc. 3d 1106 (Fam. Ct. Kings County 2023)

In this case involving neglect of the children, the court addresses the acts of domestic violence in the form of coercive control of one parent by the other, witnessed by the children, that rose to the level of neglect. In this decision the court explores the developing understanding of domestic violence, the nature of coercive control, and its harmful effect on the children that witness that behavior. The thorough analysis of coercive control in this case can be effectively cited to in DVSJA cases. Here are some examples of effective quotes from the decision:

“Coercive control is a ‘particularly harmful form of domestic violence,’” citing to Emma Katz, *Beyond the Physical Incident Model: How Children Living with Domestic Violence are Harmed By and Resist Regimes of Coercive Control*, 25 Child Abuse Rev. 46, 48 (2016).

It is known to involve a range of tactics intended to intimidate, humiliate, degrade, exploit, isolate, and control. These include verbal, emotional, and psychological abuse, control of time, space, and movement, continual monitoring, stalking, physical violence, intimidation and threats of violence against the victim/survivor, their loved ones and property, rape, sexual coerciveness and control of pregnancy, financial abuse and the denial of resources, and isolation from sources of support.

The court went on to explain that the concept of coercive control had developed over the last several decades:

For over 15 years, scholars have understood that domestic violence is not limited to acts of overt physical aggression but rather can exist through the interpersonal relationship dynamics of two adults. One partner may exert coercion over the other, using ‘force or threats to compel or dispel a particular response...Coercion and control can exist together, creating a “condition of unfreedom” also known as entrapment.’”

“Courts have begun to recognize the non-physical aspects of domestic violence and to provide relief to survivors of coercive and controlling relationships just as if they had experience physical injury.”

“Insistence that domestic violence arises only through documented incidents of physicality ignores the multitude of non-physical acts of domination that can occur in

relationship, resulting in a misunderstanding of how that relationship is experienced by all members of the household, including the children.”

Custody

Matter of K.E. v. A.E., 87 Misc. 3d 1213(A) (Fam. Ct. Kings County 2025)

The court awarded custody to the mother after considering the father’s domestic violence and coercive control of the mother and its effects on the child. The court considered the pattern of coercive control including being “demeaning, easily enraged, and limiting her ability to get day care and educational services” for the child. The court discussed the detrimental impact on children who witness one parent being coerced and controlled by the other, noting that such children have similar levels of emotional and behavioral problems, trauma symptoms, and compromised social and academic development similar to those of children who are direct victims of the abuse.” The effect of such coercive control witnessed by children “can be serious and long term.” “And the physical separation of the parents does not mean the end of risk of harm as ‘post-separation, perpetrators/fathers can continue to target coercive control at children as well as their ex-partners.”

Matter of Andreijia N. (Michael N.), 177 A.D.3d 1236 (3d Dept. 2019)

The Appellate Division reversed based upon its recognition that “domestic violence is not limited to physical violence.” The threats by the husband “were alarming and demonstrated a concerted effort to control and coerce the mother and others who were associated with this custody case.”

S.D. v. D.D., 79 Misc. 3d 1223(A) (Sup. Ct. New York County 2023)

Based upon testimony from an expert the court found that the father had engaged in coercive control, “which is a form of domestic violence” and that factor weighs in favor of granting final decision-making authority to the mother.”

Exclusive Use and Possession of Marital Residence

L.M.L. v. H.T.N., 2017 NY Slip Opl 51333(U) (Sup. Ct. Monroe County 2017)

In this decision the court makes extensive use of a more modern view of domestic violence to include coercive control to order exclusive use of the home to the mother. There is some very good language on the effect that witnessing physical abuse and coercive control has on the children. The court recognized “persuasive social science evidence that domestic turmoil can severely damage the lives of children. In that regard, more recent judicial pronouncements have recognized the dangers posed to children by unrestrained verbal assaults in the home.” “The corrosive effect of domestic violence is far reaching. The batterer’s violence injures children both directly and indirectly. Abuse of a parent is detrimental to children whether or not they are physically abused themselves. Children who witness domestic violence are more likely to experience delayed development, feelings of fear, depression and helplessness and are more

likely to become batterers themselves.” “If we consider domestic violence to only include physical abuse or harm, then there is insufficient evidence in this case to order an exclusive use. But, if this court reached that conclusion, it would have to ignore the reams of legislative comments and social science research that domestic violence is more than just physical harm.”

J.M. v. D.E.S., 84 Misc. 3d 1210(A) (Sup. Ct. New York County 2024)

“There can be no tolerance for any types of domestic violence, including coercive, financial control and non-physical conduct occurring here.” “Financial abuse is domestic violence; even without a bruise the harm is still potent, and this Court must not turn a blind eye to such conduct.”