

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

People v. Santiful

2026 NY Slip Op 03278 · No. Ind. No. 542/21; Appeal No. 6718; Case No. 2023-04307 · Decided May 26, 2026

SUMMARY

The Appellate Division, First Department, modified a criminal judgment by striking several probation conditions, including restrictions concerning habits, associations, employment, drug and alcohol testing, gang activity, and payment of surcharges and fees. The court otherwise affirmed, holding that the defendant’s valid appeal waiver barred review of his excessive-sentence claim and that certain constitutional challenges to probation conditions were unpreserved.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Friedman, J.; Kapnick, J.; Shulman, J.; Higgitt, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	May 26, 2026
DOCKET	Ind. No. 542/21; Appeal No. 6718; Case No. 2023-04307
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, entered after his guilty plea to assault in the third degree and imposing three years of probation.
STANDARD OF REVIEW	The court reviewed the legality and rehabilitation-relatedness of probation conditions, considered preservation and waiver principles, and declined unpreserved constitutional claims in the interest of justice.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Sean Santiful, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether defendant's valid waiver of the right to appeal foreclosed review of his excessive-sentence claim.
2. Whether challenges to probation conditions as unrelated to defendant's rehabilitation survived the appeal waiver and required preservation.
3. Whether the challenged probation conditions were reasonably related to defendant's rehabilitation and to ensuring that he led a law-abiding life.
4. Whether defendant's discrete constitutional challenges to probation conditions 7 and 24 were preserved or otherwise reviewable.

HOLDINGS

1. A valid waiver of the right to appeal foreclosed review of defendant's claim that his sentence was excessive; independently, the court found no basis to reduce the sentence.
2. Challenges to probation conditions as unrelated to a defendant's rehabilitation survive a valid waiver of appeal and do not require preservation.
3. The probation conditions requiring defendant to avoid injurious or vicious habits and disreputable places or people, pay a \$250 surcharge and fees as a condition of probation, work or pursue approved education or training, submit to drug or alcohol testing, and refrain from gang paraphernalia or gang associations were stricken because they were not reasonably related to defendant's rehabilitation or to ensuring that he led a law-abiding life.
4. Defendant's discrete constitutional challenges to probation conditions 7 and 24 were unpreserved, and the court declined to review them in the interest of justice; to the extent they were as-applied challenges, they were waived by defendant's valid appeal waiver.

KEY QUOTATIONS

"Judgment, Supreme Court, Bronx County (Margaret L. Clancy, J.), rendered August 15, 2023, convicting defendant, upon his plea of guilty, of assault in the third degree, and sentencing him to a term of probation of three years, unanimously modified, on the law, to the extent of striking the conditions of probation requiring defendant to "avoid injurious or vicious habits" and "refrain from frequenting unlawful or disreputable places" or "consort[ing] with disreputable people," requiring him to pay \$250 in surcharge and fees as a condition of his probation, requiring him to "[w]ork faithfully at a suitable employment or pursue a course of study or vocational training approved by the Department of Probation that can lead to suitable employment," requiring him to submit to testing for drugs or alcohol if directed by the Department of Probation, and

prohibiting him "from wearing or displaying gang paraphernalia" or "having any association with a gang or members of a gang if directed by the Department of Probation," and otherwise affirmed." (*1)

"The condition of probation requiring defendant to "[a]void injurious or vicious habits; refrain from frequenting unlawful or disreputable places; and . . . not consort with disreputable people" should be stricken, given the nature of defendant's crime, where he bit the finger of an emergency medical technician treating him in an ambulance." (*2)

FACTUAL BACKGROUND

Defendant pleaded guilty to assault in the third degree after biting the finger of an emergency medical technician who was treating him in an ambulance. The sentencing court imposed three years of probation with conditions concerning disreputable places and people, employment or vocational training, drug and alcohol testing, gang-related conduct, and payment of a \$250 surcharge and fees. The appellate court noted defendant's 12-year history of part-time employment at UPS and the absence of evidence that drugs, alcohol, or gang activity were connected to the crime.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, rendered judgment on August 15, 2023, after defendant pleaded guilty to assault in the third degree and sentenced him to three years of probation. On appeal, the First Department modified the judgment by striking specified probation conditions and otherwise affirmed.

DISPOSITION

other

CASES CITED

- People v. Thomas, 34 NY3d 545, 559 (2019), cert. denied, 589 U.S. 1302 (2020)
- People v. Sanders, 244 AD3d 601, 601 (2025)
- People v. Percy, 234 AD3d 619, 620 (1st Dept. 2025)
- People v. Vasquetelles, 241 AD3d 1208, 1209 (1st Dept. 2025), lv denied, 44 NY3d 1054 (2025)
- People v. Cabrera, 41 NY3d 35, 42-51 (2023)
- People v. Thompson, 245 AD3d 609, 610 (2026)

OPINION

People v. Santiful 2026 NY Slip Op 03278

PER CURIAM.

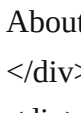
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May 26, 2026

Appellate Division, First Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

The People of the State of New York, Respondent,

v

Sean Santiful, Defendant-Appellant.

Decided and Entered: May 26, 2026

Ind No. 542/21|Appeal No. 6718|Case No. 2023-04307|

Before: Manzanet-Daniels, J.P., Friedman, Kapnick, Shulman, Higgitt, JJ.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (Leanna J. Duncan of counsel), for appellant.

Darcel D. Clark, District Attorney, Bronx (Vincent Rivelles of counsel), for respondent.

^[1] Judgment, Supreme Court, Bronx County (Margaret L. Clancy, J.), rendered August 15, 2023, convicting defendant, upon his plea of guilty, of assault in the third degree, and sentencing him to a term of probation of three years, unanimously modified, on the law, to the extent of striking the conditions of probation requiring defendant to "avoid injurious or vicious habits" and "refrain from frequenting unlawful or disreputable places" or "consort[ing] with disreputable people," requiring him to pay \$250 in surcharge and fees as a condition of his probation, requiring him to "[w]ork faithfully at a suitable employment or pursue a course of study or vocational training approved by the Department of Probation that can lead to suitable employment," requiring him to submit to testing for drugs or alcohol if directed by the Department of Probation, and prohibiting him "from wearing or displaying gang paraphernalia" or "having any association with a gang or members of a gang if directed by the Department of Probation," and otherwise affirmed.

Defendant validly waived his right to appeal, which forecloses review of his claim that his sentence is excessive (*see People v Thomas*, 34 NY3d 545, 559 [2019], *cert denied* 589 US 1302 [2020]). In any event, we perceive no basis for reducing the sentence.

^[2] Defendant's challenges to certain conditions of probation as unrelated to his rehabilitation survive his valid waiver of appeal and do not require preservation (*see People v Sanders*, 244 AD3d 601, 601 [2025]). The condition of probation requiring defendant to "[a]void injurious or vicious habits; refrain from frequenting unlawful or disreputable places; and . . . not consort with disreputable people" should be stricken, given the nature of defendant's crime, where he bit the finger of an emergency medical technician treating him in an ambulance. Likewise, imposition of the surcharge and fees as a condition of defendant's probation will not assist in ensuring that he leads a law-abiding life and is not reasonably related to his rehabilitation (*see People v Percy*, 234 AD3d 619, 620 [1st Dept 2025]). Given defendant's employment history with 12 years of part-time employment at UPS, the condition requiring him to "[w]ork faithfully at a suitable employment or pursue [an approved] course of study or vocational training" should also

be stricken. Similarly, where there is no evidence that defendant was using drugs or alcohol at the time of the crime, the condition requiring him to submit to testing for drugs or alcohol is not reasonably related to his rehabilitation and should be stricken. Finally, the probation condition requiring defendant to "[r]efrain from wearing or displaying gang paraphernalia and having any association with a gang or members of a gang if directed by the Department of Probation" must be stricken because there is no evidence that defendant's actions were connected to gang activity or that he had a history of gang membership (*see People v Vasquetelles*, 241 AD3d 1208, 1209 [1st Dept 2025], *lv denied* 44 NY3d 1054 [2025]; *Sanders*, 244 AD3d at 602). Notably, the People do not oppose striking these challenged conditions of probation.

Defendant's discrete constitutional challenges to probation conditions 7 and 24 are unpreserved (*see People v Cabrera*, 41 NY3d 35, 42-51 [2023]), and we decline to review them in the interest of justice. To the extent that his challenges are as-applied challenges, his claims were waived by his valid appeal waiver (*see People v Thompson*, 245 AD3d 609, 610 [2026]).

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 26, 2026

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PER CURIAM.

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defendant to "avoid injurious or vicious habits" and "refrain from frequenting unlawful or disreputable places" or "consort[ing] with disreputable people," requiring him to pay \$250 in surcharge and fees as a condition of his probation, requiring him to "[w]ork faithfully at a suitable employment or pursue a course of study or vocational training approved by the Department of Probation that can lead to suitable employment," requiring him to submit to testing for drugs or alcohol if directed by the Department of Probation, and prohibiting him "from wearing or displaying gang paraphernalia" or "having any association with a gang or members of a gang if directed by the Department of Probation," and otherwise affirmed. Defendant validly waived his right to appeal, which forecloses review of his claim that his sentence is excessive (see *People v Thomas* , 34 NY3d 545 , 559 [2019], cert denied 589 US 1302 [2020]). In any event, we perceive no basis for reducing the sentence. [*2] Defendant's challenges to certain conditions of probation as unrelated to his rehabilitation survive his valid waiver of appeal and do not require preservation (see *People v Sanders* , 244 AD3d 601 , 601 [2025]). The condition of probation requiring defendant to "[a]void injurious or vicious habits; refrain from frequenting unlawful or disreputable places; and . . . not consort with disreputable people" should be stricken, given the nature of defendant's crime, where he bit the finger of an emergency medical technician treating him in an ambulance. Likewise, imposition of the surcharge and fees as a condition of defendant's probation will not assist in ensuring that he leads a law-abiding life and is not reasonably related to his rehabilitation (see *People v Percy* , 234 AD3d 619 , 620 [1st Dept 2025]). Given defendant's employment history with 12 years of part-time employment at UPS, the condition requiring him to "[w]ork faithfully at a suitable employment or pursue [an approved] course of study or vocational training" should also be stricken. Similarly, where there is no evidence that defendant was using drugs or alcohol at the time of the crime, the condition requiring him to submit to testing for drugs or alcohol is not reasonably related to his rehabilitation and should be stricken. Finally, the probation condition requiring defendant to "[r]efrain from wearing or displaying gang paraphernalia and having any association with a gang or members of a gang if directed by the Department of Probation" must be stricken because there is no evidence that defendant's actions were connected to gang activity or that he had a history of gang membership (see *People v Vasquetelles* , 241 AD3d 1208 , 1209 [1st Dept 2025], lv denied 44 NY3d 1054 [2025]; *Sanders* , 244 AD3d at 602). Notably, the People do not oppose striking these challenged conditions of probation. Defendant's discrete constitutional challenges to probation conditions 7 and 24 are unpreserved (see *People v Cabrera* , 41 NY3d 35 , 42-51 [2023]), and we decline to review them in the interest of justice. To the extent that his challenges are as-applied challenges, his claims were waived by his valid appeal waiver (see *People v Thompson* , 245 AD3d 609 , 610 [2026]).

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