

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT

People v. Levulis

Levulis, 2026 NY Slip Op 01673 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department 2026) · No. 174 KA 24-00630 · Decided March 20, 2026

SUMMARY

The New York Appellate Division, Fourth Department, unanimously affirmed a judgment convicting Charles Levulis, upon his guilty plea, of assault in the first degree and two counts of criminal possession of a weapon in the second degree. The court held that defendant's waiver of the right to appeal was knowing, voluntary, and intelligent, foreclosing his challenge to the severity of the sentence.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Curran, J.P.; Montour, J.; Smith, J.; Ogden, J.; DelConte, J.
JURISDICTION	New York Supreme Court, Appellate Division, Fourth Department
DECIDED	March 20, 2026
DOCKET	174 KA 24-00630
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Erie County Court entered after his guilty plea, challenging the validity of his waiver of the right to appeal and the severity of his sentence.
STANDARD OF REVIEW	The court reviewed whether defendant's waiver of the right to appeal was knowing, voluntary, and intelligent, and whether the valid waiver foreclosed review of the sentence's severity.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Charles Levulis v. The People of the State of New York

TOPICS

- appellate procedure
- sentencing
- criminal procedure

PRACTICE AREAS

criminal procedure

appellate procedure

sentencing

QUESTIONS PRESENTED

1. Whether defendant's waiver of the right to appeal was knowing, voluntary, and intelligent.
2. Whether a valid waiver of the right to appeal foreclosed defendant's challenge to the severity of his sentence.

HOLDINGS

1. On the record presented, defendant's waiver of the right to appeal was knowing, voluntary, and intelligent.
2. Because defendant's waiver of the right to appeal was valid, it foreclosed his challenge to the severity of the sentence.

FACTUAL BACKGROUND

Defendant pleaded guilty to assault in the first degree and two counts of criminal possession of a weapon in the second degree. The judgment of conviction was rendered by Erie County Court on September 19, 2023, and defendant appealed while challenging the validity of his appeal waiver and the severity of his sentence.

PROCEDURAL HISTORY

The Erie County Court convicted defendant upon his guilty plea of assault in the first degree and two counts of criminal possession of a weapon in the second degree. The Appellate Division unanimously affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Zukic, 240 AD3d 1192, 1193 (4th Dep't 2025), lv denied 44 NY3d 995 (2025)
- People v. Vandusen, 235 AD3d 1254, 1254-1255 (4th Dep't 2025), lv denied 43 NY3d 966 (2025)
- People v. Thomas, 34 NY3d 545, 563 (2019), cert denied 589 U.S. 1302 (2020)
- People v. Lopez, 6 NY3d 248, 256 (2006)

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