

**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.

OPINION

PER CURIAM.

People v Levulis (2026 NY Slip Op 01673) People v Levulis 2026 NY Slip Op 01673 Decided on March 20, 2026 Appellate Division, Fourth Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on March 20, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Fourth Judicial Department PRESENT: CURRAN, J.P., MONTOUR, SMITH, OGDEN, AND DELCONTE, JJ. 174 KA 24-00630 [*1]THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, v CHARLES LEVULIS, DEFENDANT-APPELLANT.

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (AXELLE LECOMTE MATHEWSON OF COUNSEL), FOR DEFENDANT-APPELLANT. MICHAEL J. KEANE, DISTRICT ATTORNEY, BUFFALO (PAUL J. WILLIAMS, III, OF COUNSEL), FOR RESPONDENT. Appeal from a judgment of the Erie County Court (James F. Bargnesi, J.), rendered September 19, 2023.

The judgment convicted defendant upon his plea of guilty of assault in the first degree and criminal possession of a weapon in the second degree (two counts). It is hereby ORDERED that the judgment so appealed from is unanimously affirmed. Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of assault in the first degree (Penal Law § 120.10 [1]) and two counts of criminal possession of a weapon in the second degree (§ 265.03 [3]).

Contrary to defendant's contention, we conclude on this record that defendant's waiver of the right to appeal was knowing, voluntary, and intelligent (see *People v Zukic*, 240 AD3d 1192, 1193 [4th Dept 2025], lv denied 44 NY3d 995 [2025]; *People v Vandusen*, 235 AD3d 1254, 1254-1255 [4th Dept 2025], lv denied 43 NY3d 966 [2025]; see generally *People v Thomas*, 34 NY3d 545, 563 [2019], cert denied 589 US 1302 [2020]), and the valid waiver forecloses defendant's challenge to the severity of the sentence (see *People v Lopez*, 6 NY3d 248, 256 [2006]).

Entered: March 20, 2026 Ann Dillon Flynn Clerk of the Court