

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

People v. Battle

2026 NY Slip Op 00790 (N.Y. Ct. App. 2026) · No. 2023-05042 · Decided February 11, 2026

SUMMARY

The Appellate Division, Second Department affirmed a Queens County judgment convicting Dayvon Battle of criminal contempt in the second degree upon his guilty plea. The court held that his challenge to the duration of the orders of protection was unpreserved because he did not object at sentencing and declined to review it in the interest of justice.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Deborah A. Dowling, J.; Lourdes M. Ventura, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	February 11, 2026
DOCKET	2023-05042
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Queens County, entered after his guilty plea to criminal contempt in the second degree and imposition of sentence.
STANDARD OF REVIEW	The challenge was reviewed for preservation under CPL 470.05(2); the court also considered whether to exercise its interest-of-justice jurisdiction.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Dayvon Battle v. The People of the State of New York

TOPICS

- criminal procedure
- preservation of error
- appellate procedure
- sentencing

PRACTICE AREAS

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the defendant's challenge to the duration of the orders of protection was preserved for appellate review.
2. Whether the Appellate Division should reach the unpreserved challenge in the exercise of its interest-of-justice jurisdiction.

HOLDINGS

1. The defendant's contention regarding the duration of the orders of protection was unpreserved for appellate review because he failed to object to their duration at sentencing.
2. The court declined to reach the unpreserved challenge in the exercise of its interest-of-justice jurisdiction.

FACTUAL BACKGROUND

Dayvon Battle pleaded guilty to criminal contempt in the second degree in Supreme Court, Queens County. At sentencing, the court issued orders of protection and imposed sentence. Battle did not object at sentencing to the duration of the orders of protection.

PROCEDURAL HISTORY

The Supreme Court, Queens County, rendered judgment on May 10, 2023, convicting Battle upon his plea of guilty and imposing sentence, including orders of protection. Battle appealed, challenging the duration of the orders of protection. The Appellate Division affirmed, holding that the challenge was unpreserved and declining to review it in the interest of justice.

DISPOSITION

affirmed

CASES CITED

- People v. Nieves, 2 NY3d 310, 316-318
- People v. Almonds, 238 AD3d 893
- People v. Demilio, 227 AD3d 1098, 1100-1101
- People v. Mensah, 221 AD3d 732, 733

OPINION

PER CURIAM.

People v Battle (2026 NY Slip Op 00790) People v Battle 2026 NY Slip Op 00790 Decided on February 11, 2026 Appellate Division, Second 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 February 11, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department BETSY BARROS, J.P.

DEBORAH A. DOWLING LOURDES M. VENTURA JAMES P. MCCORMACK, JJ. 2023-05042 (Ind. No. 70418/23) [*1]The People of the State of New York, respondent, v Dayvon Battle, appellant. Patricia Pazner, New York, NY (Samantha Jerabek of counsel), for appellant. Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill and Charles T. Pollak of counsel; Agnes T. Chang on the brief), for respondent.

DECISION & ORDER Appeal by the defendant from a judgment of the Supreme Court, Queens County (Michael J. Yavinsky, J.), rendered May 10, 2023, convicting him of criminal contempt in the second degree, upon his plea of guilty, and imposing sentence. ORDERED that the judgment is affirmed.

The defendant's contention regarding the duration of the orders of protection issued at the time of sentencing is unpreserved for appellate review, as the defendant failed to object to the duration of the orders of protection at sentencing (see CPL 470.05[2]; People v Nieves, 2 NY3d 310, 316-318; People v Almonds, 238 AD3d 893).

Under the circumstances, we decline to reach this contention in the exercise of our interest of justice jurisdiction (see People v Demilio, 227 AD3d 1098, 1100-1101; People v Mensah, 221 AD3d 732, 733). BARROS, J.P., DOWLING, VENTURA and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court