

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

The People of the State of New York v. William Rivera

People v. Rivera, 2025 N.Y. Slip Op. 07231 (App. Div. 1st Dep't Dec. 23 2025) · No. Ind. No. 447/19; Appeal No. 5450; Case No. 2022-00583 · Decided December 23, 2025

SUMMARY

The Appellate Division, First Department reversed William Rivera's convictions and resentence for burglary and robbery and remanded for new hearings and a new trial. The court held that Rivera's waiver of the right to counsel was not knowing, intelligent, and voluntary because the trial court's colloquy inadequately addressed his competency, relevant background, the risks of self-representation, and potential sentencing exposure.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Kennedy, J.P.; Kapnick, J.; Rodriguez, J.; Michael, J.; Hagler, J.
JURISDICTION	Appellate Division, First Department, New York
DECIDED	December 23, 2025
DOCKET	Ind. No. 447/19; Appeal No. 5450; Case No. 2022-00583
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction after a nonjury trial and a subsequent judgment of resentence. The Appellate Division reversed and remanded for new hearings and a new trial because the trial court failed to establish a knowing, intelligent, and voluntary waiver of defendant's right to counsel.
STANDARD OF REVIEW	The appellate court reviewed de novo, as a matter of law, whether the record established a valid waiver of the constitutional right to counsel.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion; precedential within applicable New York courts subject to later appellate authority.
PARTIES	William Rivera, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

right to counsel

criminal procedure

appellate procedure

sixth amendment

standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court established that defendant's waiver of the right to counsel was knowing, intelligent, and voluntary.
2. Whether the inadequate waiver of counsel required reversal of the judgments and a remand for new hearings and a new trial.

HOLDINGS

1. The trial court's colloquy was insufficient to establish a knowing, intelligent, and voluntary waiver of defendant's right to counsel.
2. Because defendant represented himself when he waived his right to a jury trial and during pretrial hearings, the judgments had to be reversed and the matter remanded for new hearings and a new trial.

KEY QUOTATIONS

*“Under all these circumstances, we find that defendant's waiver of his right to counsel was not knowing, intelligent, and voluntary” (*1)*

*“The court failed to warn defendant about the numerous pitfalls of representing himself before and at trial, such as unfamiliarity with legal terms, concepts, and case names; the potential challenges of cross-examining witnesses and delivering an opening statement and summation as a pro se criminal defendant” (*1)*

*“brief, generalized warnings do not satisfy the requirement for a searching inquiry” (*1)*

FACTUAL BACKGROUND

Rivera represented himself during pretrial hearings, waived his right to a jury trial, and proceeded to a nonjury trial resulting in convictions for two counts of second-degree burglary and third-degree robbery. The trial court's waiver colloquy included only brief, generalized warnings about Rivera's lack of legal training and unfamiliarity with cross-examination. Rivera had a criminal history involving drug possession and sale convictions dating to 1992 and made remarks concerning substance-abuse problems and current drug use, but the court did not adequately inquire into his mental capacity, comprehension, background, or the potential aggregate sentence.

PROCEDURAL HISTORY

Supreme Court, New York County, convicted Rivera after a nonjury trial of two counts of second-degree burglary and third-degree robbery and rendered judgment on February 3, 2022. The same court resentenced him to an aggregate five-year term on February 4, 2025. On appeal, the First Department unanimously reversed on the law and remanded for new hearings and a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for new hearings and a new trial. The court did not reach defendant's remaining arguments.

CASES CITED

- People v. Smith, 92 N.Y.2d 516, 520 (1998)
- People v. Perry, 198 A.D.3d 576, 576-577 (1st Dep't 2021), lv. denied, 37 N.Y.3d 1164 (2022)
- People v. Zi, 178 A.D.3d 591, 592 (1st Dep't 2019), lv. denied, 35 N.Y.3d 1117 (2020)
- People v. Wells, 130 A.D.3d 457, 457 (1st Dep't 2015), lv. denied, 26 N.Y.3d 1012 (2015)
- People v. Arroyo, 98 N.Y.2d 101, 104 (2002)
- People v. Providence, 2 N.Y.3d 579, 583-584 (2004)
- People v. Crampe, 17 N.Y.3d 469, 482 (2011), cert. denied, 565 U.S. 1261 (2012)
- People v. Dixon, 42 N.Y.3d 609, 619 (2024)
- People v. Blue, 42 N.Y.3d 584, 595-596 (2024), cert. denied, 145 S. Ct. 2778 (2025)
- People v. Baines, 39 N.Y.3d 1, 7 (2022)
- People v. McIntyre, 36 N.Y.2d 10, 17 (1974)
- People v. Slaughter, 78 N.Y.2d 485, 493 (1991)

OPINION

PER CURIAM.

People v Rivera (2025 NY Slip Op 07231) People v Rivera 2025 NY Slip Op 07231 Decided on December 23, 2025 Appellate Division, First 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 and Entered: December 23, 2025 Before: Kennedy, J.P.

SEQ CHAPTER \h \r 1, Kapnick, Rodriguez, Michael, Hagler, JJ. Ind. No. 447/19|Appeal No. 5450|Case No. 2022-00583| [*1]The People of the State of New York, Respondent, v William Rivera, Defendant-Appellant. Caprice R. Jenerson, Office of the Appellate Defender, New York (Karen Brill of counsel), for appellant. Alvin L. Bragg, Jr., District Attorney, New York (Julia Gorski of counsel), for respondent.

Judgment, Supreme Court, New York County (Ruth Pickholz, J.), rendered February 3, 2022, convicting defendant, after a nonjury trial, of burglary in the second degree (two counts) and robbery in the third degree, and judgment of resentence, same court and justice, rendered February

4, 2025, resentencing him to an aggregate term of five years, unanimously reversed, on the law, and the matter remanded for new hearings and a new trial.

The court's colloquy was insufficient to establish a valid waiver of the right to counsel (see *People v Smith*, 92 NY2d 516, 520 [1998]; *People v Perry*, 198 AD3d 576, 576-577 [1st Dept 2021], lv denied 37 NY3d 1164 [2022]). Defendant's criminal history, which included drug possession and sale convictions dating back to 1992, and his in-court remarks regarding his history of substance abuse issues and present drug use constituted a "red flag" which should have triggered at least a brief inquiry into defendant's mental capacity and comprehension of the proceedings (see *People v Zi*, 178 AD3d 591, 592 [1st Dept 2019], lv denied 35 NY3d 1117 [2020]; *People v Wells*, 130 AD3d 457, 457 [1st Dept 2015], lv denied 26 NY3d 1012 [2015]).

The record also does not "affirmatively disclose" that the court "delved into [] defendant's age, education, occupation, previous exposure to legal procedures and other relevant factors bearing on a competent, intelligent, voluntary waiver" (*People v Arroyo*, 98 NY2d 101, 104 [2002]).

As the trial judge was only assigned to defendant's case about a month before trial, this was not a case where the judge "had numerous opportunities to see and hear defendant firsthand" to evaluate his knowledge and familiarity with the criminal justice system (*People v Providence*, 2 NY3d 579, 583-584 [2004]).

Moreover, the court's colloquy did not "accomplish the goals of adequately warning a defendant of the risks inherent in proceeding pro se, and apprising a defendant of the singular importance of the lawyer in the adversarial system of adjudication" (*People v Crampe*, 17 NY3d 469, 482 [2011], cert denied 565 US 1261 [2012]).

Although defendant correctly recited the charges against him, he also suggested that he could get convicted of additional charges, and the record does not reflect that he was ever informed of the potential aggregate sentence he faced after trial (see *People v Dixon*, 42 NY3d 609, 619 [2024]; see also *People v Blue*, 42 NY3d 584, 595-596 [2024], cert denied — US —, 145 S Ct 2778 [2025]).

The court reminded defendant that he was "not trained as a lawyer" and did not "understand about cross-examination," so it was "dangerous" and not in his best interests to proceed pro se; these "brief, generalized warnings do not satisfy the requirement for a searching inquiry" (*People v Baines*, 39 NY3d 1, 7 [2022]). "The court failed to warn defendant about the numerous pitfalls of representing himself before and at trial, such as unfamiliarity with legal terms, concepts, and case names; the potential challenges of cross-examining witnesses and delivering an opening statement and summation as a pro se criminal defendant" (*Perry*, 198 AD3d at 576-577; see also *CJI2d*[NY] Waiver of Counsel).

Under all these circumstances, we find that defendant's waiver of his right to counsel was not knowing, intelligent, and voluntary (see *People v McIntyre*, 36 NY2d 10, 17 [1974]). Because defendant represented himself when he waived his right to a jury trial and during pretrial hearings, we remand for new hearings and a new trial (see *People v Slaughter*, 78 NY2d 485, 493 [1991]; *Perry*, 198 AD3d at 577).

We are ordering new hearings and a new trial. Therefore, we do not reach defendant's remaining arguments. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: December 23, 2025

PER CURIAM.

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