

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)