

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

People v. Freeman

2025 NY Slip Op 07125 (Supreme Court of the State of New York Appellate Division Fourth Judicial
Department 2025) · No. 641 KA 22-01452 · Decided December 23, 2025

SUMMARY

The Appellate Division, Fourth Department affirmed Christopher Freeman's judgment of conviction for first-degree assault following his guilty plea. The majority held that Freeman's challenge to the voluntariness and understanding of his plea was unpreserved and, alternatively, lacked merit, concluding that the trial court's further inquiry removed any doubt about the plea. Justice Nowak dissented, asserting that the court failed to conduct the further inquiry required by People v. Lopez and would have reversed and vacated the plea.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Lindley, J.P.; Montour, J.; Greenwood, J.; Nowak, J.; Keane, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	December 23, 2025
DOCKET	641 KA 22-01452
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Seneca County Court convicting him, upon his guilty plea, of assault in the first degree.
STANDARD OF REVIEW	The court reviewed preservation of the plea challenge as a question of appellate procedure, assessed the adequacy and voluntariness of the plea colloquy from the record, and reviewed claims based on matters outside the record as not properly before the court.
PRECEDENTIAL VALUE	Published opinion of the Appellate Division, Fourth Department; binding within the department subject to higher-court authority.
PARTIES	Christopher Freeman v. The People of the State of New York

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QUESTIONS PRESENTED

1. Whether defendant's challenge to the knowing, voluntary, and intelligent nature of his guilty plea was preserved for appellate review despite his failure to move to withdraw the plea or vacate the judgment.
2. Whether the plea colloquy and the court's further inquiry adequately established that defendant understood the charge and entered the plea knowingly and voluntarily.
3. Whether the court or defense counsel coerced defendant into pleading guilty by discussing potential sentences, the strength of the evidence, and the likelihood of conviction after trial.
4. Whether defendant's ineffective-assistance claim based on counsel's failure to pursue an intoxication defense or seek a competency examination survived his guilty plea.

HOLDINGS

1. A defendant's challenge to the voluntariness and understanding of a guilty plea is not preserved for appellate review when the defendant fails to move to withdraw the plea or vacate the judgment, unless the narrow exception for a fundamental defect in the plea allocution applies.
2. When a defendant equivocates during a plea allocution, the court satisfies its duty of further inquiry when the subsequent questions and defendant's responses remove doubt about the defendant's guilt and establish that the plea is knowing and voluntary.
3. Discussion of the potential sentencing range, the strength of the prosecution's evidence, and the possibility of a harsher sentence after trial does not constitute impermissible coercion when the record shows that the defendant was not threatened or pressured into pleading guilty.
4. An ineffective-assistance claim generally does not survive a guilty plea when the defendant fails to demonstrate that the plea-bargaining process was infected by counsel's alleged ineffectiveness or that the defendant entered the plea because of counsel's deficient performance.

KEY QUOTATIONS

*"At a minimum, the record of the . . . plea proceedings must reflect . . . that defendant's responses to the court's subsequent questions removed the doubt about defendant's guilt" (*1)*

*"Although it is well settled that '[a] defendant may not be induced to plead guilty by the threat of a heavier sentence if [the defendant] decides to proceed to trial,'" (*2)*

*"defense counsel's advice that [defendant] was unlikely to prevail at trial and that he would likely receive a harsher sentence if convicted after trial . . . does not constitute coercion" (*2)*

FACTUAL BACKGROUND

During the plea colloquy, defendant initially equivocated when asked whether he intended to cause serious physical injury and caused such injury by repeatedly stabbing the victim. After the court continued the inquiry and defendant consulted with counsel, defendant affirmed that he committed the conduct, that he was telling the truth, and that the plea was voluntary and not the product of pressure. Defendant also stated that he had been in special education classes and had not understood some unspecified portions of the proceeding.

PROCEDURAL HISTORY

The Seneca County Court entered judgment on July 28, 2021, after defendant pleaded guilty to assault in the first degree. On appeal, defendant challenged the voluntariness and understanding of his plea, asserted coercion, and claimed ineffective assistance of counsel. The Appellate Division affirmed, concluding that the voluntariness claim was unpreserved, did not fall within the narrow exception to preservation, and lacked merit in any event.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 NY3d 545, 566 (2019), cert. denied, 140 S. Ct. 2634 (2020)
- People v. Evancho, 236 AD3d 1470, 1470-1471 (4th Dept 2025), lv denied, 43 NY3d 1045 (2025)
- People v. Rounds, 140 AD3d 1657, 1658 (4th Dept 2016), lv denied, 28 NY3d 1031 (2016)
- People v. Lopez, 71 NY2d 662, 666 (1988)
- People v. McNair, 13 NY3d 821, 822-823 (2009)
- People v. Edwards, 55 AD3d 1337, 1338 (4th Dept 2008), lv denied, 11 NY3d 924 (2009)
- People v. Castanea, 265 AD2d 906, 907 (4th Dept 1999)
- People v. Bovio, 206 AD3d 1568, 1570 (4th Dept 2022)
- People v. Mox, 84 AD3d 1723, 1724 (4th Dept 2011), affd, 20 NY3d 936 (2012)
- People v. Burroughs, 106 AD3d 1512, 1512 (4th Dept 2013)
- People v. Roy, 77 AD3d 1310, 1310-1311 (4th Dept 2010)
- People v. Vogt, 150 AD3d 1704, 1705 (4th Dept 2017)
- People v. Shaw, 222 AD3d 1401, 1402 (4th Dept 2023), lv denied, 42 NY3d 930 (2024)
- People v. Woods, 126 AD3d 1543, 1543-1544 (4th Dept 2015), lv denied, 27 NY3d 970 (2016)
- People v. Williams, 198 AD3d 1308, 1309 (4th Dept 2021), lv denied, 37 NY3d 1149 (2021)
- People v. Boyde, 71 AD3d 1442, 1443 (4th Dept 2010), lv denied, 15 NY3d 747 (2010)
- People v. Obbagy, 147 AD3d 1296, 1297 (4th Dept 2017), lv denied, 29 NY3d 1035 (2017)
- People v. Pitcher, 126 AD3d 1471, 1472 (4th Dept 2015), lv denied, 25 NY3d 1169 (2015)
- People v. Dix, 170 AD3d 1575, 1577 (4th Dept 2019), lv denied, 33 NY3d 1030 (2019)
- People v. Hall, 82 AD3d 1619, 1620 (4th Dept 2011), lv denied, 16 NY3d 895 (2011)
- People v. Griffin, 120 AD3d 1569, 1570 (4th Dept 2014), lv denied, 24 NY3d 1084 (2014)
- People v. Moore, 229 AD3d 1279, 1280 (4th Dept 2024)

- People v. Vargas, 171 AD3d 1394, 1395 (3d Dept 2019)
- People v. Blount, 239 AD3d 1426, 1427 (4th Dept 2025), lv denied, 44 NY3d 981 (2025)
- People v. Williams, 159 AD3d 1343, 1343 (4th Dept 2018), lv denied, 31 NY3d 1123 (2018)
- People v. Grandin, 63 AD3d 1604, 1604 (4th Dept 2009), lv denied, 13 NY3d 744 (2009)
- People v. Loper, 239 AD3d 1473, 1474 (4th Dept 2025)
- People v. Worden, 22 NY3d 982, 985 (2013)
- People v. Outley, 80 NY2d 702 (1993)

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