

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

People v. Colon

2025 NY Slip Op 06721 (N.Y. Ct. App. 2025) · No. 2023-10446 · Decided December 3, 2025

SUMMARY

The Appellate Division, Second Department affirmed Ricky Colon’s sentence following his guilty plea. The court held that Colon knowingly, voluntarily, and intelligently waived his right to appeal, precluding review of his claim that the sentence was excessive.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Mark C. Dillon, J.P.; Paul Wooten, J.; Lillian Wan, J.; Donna-Marie E. Golia, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	December 3, 2025
DOCKET	2023-10446
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed, as limited by his motion, from a sentence imposed after his guilty plea, asserting that the sentence was excessive.
STANDARD OF REVIEW	The court reviewed whether defendant's valid waiver of appellate rights barred review of his excessive-sentence claim.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Ricky Colon v. The People of the State of New York

TOPICS

- sentencing
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether defendant's waiver of his right to appeal was knowing, voluntary, and intelligent.
2. Whether the waiver of appellate rights precluded review of defendant's claim that his sentence was excessive.

HOLDINGS

1. The record demonstrated that defendant knowingly, voluntarily, and intelligently waived his right to appeal.
2. A valid waiver of the right to appeal precludes appellate review of defendant's contention that the sentence imposed was excessive.

KEY QUOTATIONS

“The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal”

“The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive”

FACTUAL BACKGROUND

Ricky Colon pleaded guilty in the Supreme Court, Kings County. The court imposed sentence on October 27, 2023, and Colon appealed on the ground that the sentence was excessive.

PROCEDURAL HISTORY

The Supreme Court, Kings County, imposed sentence on October 27, 2023, after defendant pleaded guilty. Defendant appealed to the Appellate Division, Second Department, challenging the sentence as excessive. The Appellate Division affirmed because defendant had knowingly, voluntarily, and intelligently waived his right to appeal.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 N.Y.3d 545
- People v. Lopez, 6 N.Y.3d 248