

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

People v. Lazaro

2026 NY Slip Op 00321 (1st Dep't 2026) · No. Case No. 2020-04947; Appeal No. 5652; Ind. No. 2082/16 ·
Decided January 22, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed Jorge Lazaro’s judgment of conviction for first-degree sexual abuse and sentence of 10 years of probation following his guilty plea. The court held that Lazaro failed to preserve his claim that the plea was coerced by comments concerning bail and discovery, declined to reach the claim in the interest of justice, and alternatively rejected it on the merits. The court found that the plea was voluntary, that Lazaro understood the proceedings despite cognitive impairment, and that CPL 245.25(2) did not apply because the plea offer was made by the court.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; Webber, J.; Friedman, J.; González, J.; Michael, J.
JURISDICTION	Appellate Division, First Department, New York
DECIDED	January 22, 2026
DOCKET	Case No. 2020-04947; Appeal No. 5652; Ind. No. 2082/16
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, New York County, entered after his guilty plea to sexual abuse in the first degree and imposing 10 years of probation. He argued that his plea was coerced by the court's comments concerning bail and discovery.
STANDARD OF REVIEW	A claim that a guilty plea was coerced ordinarily must be preserved by a motion to withdraw the plea or vacate the conviction. The court may review an unpreserved claim in the interest of justice and may review an unpreserved plea claim when a deficiency in the plea allocution is so clear from the record that the court's attention should have been drawn to it.

PRECEDENTIAL VALUE	Published intermediate appellate opinion
PARTIES	Jorge Lazaro v. The People of the State of New York

TOPICS

plea bargaining criminal procedure preservation of error appellate procedure immigration

PRACTICE AREAS

criminal law criminal procedure appellate practice plea bargaining
immigration consequences of criminal conviction

QUESTIONS PRESENTED

1. Whether defendant preserved his claim that his guilty plea was coerced by the court's comments regarding bail and his entitlement to additional discovery under CPL 245.25(2).
2. Whether the unpreserved coercion claim fell within the exception for a clear deficiency in the plea allocation.
3. Whether the guilty plea was involuntary or coerced on the merits.
4. Whether CPL 245.25(2) applied to the plea offer and whether the court threatened to reimpose bail or remand defendant if he refused to plead guilty.

HOLDINGS

1. Defendant failed to preserve his claim that the plea was coerced because he never moved to withdraw the plea or moved to vacate the conviction.
2. The claim did not qualify for the exception to the preservation requirement because the record did not contain a plea-allocation deficiency so clear that the court's attention should have been instantly drawn to it.
3. Even assuming the coercion claim were reviewable, the guilty plea was voluntary and was not coerced by the court's comments regarding bail or discovery.
4. CPL 245.25(2) was inapplicable because the plea offer was extended by the court rather than by the People.
5. The record did not establish coercion because the court never threatened to reimpose bail or remand defendant if he did not plead guilty.

KEY QUOTATIONS

"As an alternative holding, we reject it on the merits."

"This case does not fall within the exception to preservation because it does not involve a "deficiency in the plea allocation" that "is so clear from the record that the court's attention should have been instantly drawn to the problem"."

"The court "conducted a thorough colloquy that established the voluntariness of the plea""

FACTUAL BACKGROUND

Defendant pleaded guilty to sexual abuse in the first degree under an agreement structured to permit him to serve jail time before the plea and receive a favorable 10-year probationary sentence that accounted for his immigration status. The plea agreement was negotiated approximately one year before sentencing, and defendant did not indicate during that period that he misunderstood the agreement. During the plea proceeding, defendant admitted the crime, stated that he understood the court's instructions and the plea bargain, had sufficient time to consult counsel, and was pleading guilty voluntarily and because he was guilty. Although defendant had a cognitive impairment, the record did not show that it interfered with his understanding of the proceeding.

PROCEDURAL HISTORY

The Supreme Court, New York County, rendered judgment on October 20, 2020, after defendant pleaded guilty to sexual abuse in the first degree and sentenced him to 10 years of probation. On appeal, the Appellate Division held that defendant failed to preserve his coercion claim because he did not move to withdraw his plea or vacate the conviction, declined to reach the claim in the interest of justice, and alternatively rejected it on the merits.

DISPOSITION

affirmed

CASES CITED

- People v. Delorbe, 35 NY3d 112, 119 (2020)
- People v. Carota, 235 AD3d 1069, 1070-1071 (3d Dep't 2025), lv denied 43 NY3d 962 (2025)
- People v. Rojas, 227 AD3d 415, 415 (1st Dep't 2024), lv denied 42 NY3d 929 (2024)
- People v. Rochester, 236 AD3d 550, 551 (1st Dep't 2025), lv denied 43 NY3d 1058 (2025)
- People v. Scott, 2025 NY Slip Op 01562, *2 (2025)
- People v. Lopez, 71 NY2d 662, 665-666 (1988)
- People v. Conceicao, 26 NY3d 375, 383 (2015)
- People v. Pellegrino, 26 NY3d 1063, 1064 (2015)
- People v. Fiumefreddo, 82 NY2d 536, 546 (1993)
- People v. Criscuolo, 200 AD3d 469, 470 (1st Dep't 2021), lv denied 38 NY3d 949 (2022)
- People v. Valdez, 138 AD3d 464, 465 (1st Dep't 2016), lv denied 27 NY3d 1156 (2016)
- People v. Sung Min, 249 AD2d 130, 132 (1st Dep't 1998)

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