

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

People v. Ramos

2026 NY Slip Op 00430 (N.Y. Ct. App. 2026) · No. Ind. No. 880/20; Appeal Nos. 5703-5703A; Case Nos. 2022-01775, 2025-01733 · Decided January 29, 2026

SUMMARY

The Appellate Division, First Department reversed Bernardo Ramos's judgment of conviction and vacated his guilty pleas to two counts of attempted rape in the first degree. The court held that the pleas were not knowing, voluntary, and intelligent because Ramos was not informed that the statutory sentencing cap limited his maximum exposure after trial to 20 years, making the plea offer effectively equivalent to the maximum sentence he could receive after conviction.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Scarpulla, J.P.; Kapnick, J.; González, J.; Shulman, J.; O'Neill Levy, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	January 29, 2026
DOCKET	Ind. No. 880/20; Appeal Nos. 5703-5703A; Case Nos. 2022-01775, 2025-01733
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a judgment convicting him upon his guilty plea and from a subsequent order denying his CPL 440.10(1)(h) motion to vacate the judgment.
STANDARD OF REVIEW	The Appellate Division reviewed the legality and voluntariness of the guilty pleas as a matter of law.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion
PARTIES	Bernardo Ramos, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

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criminal procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether defendant's guilty pleas were knowing, voluntary, and intelligent when he was incorrectly advised about his maximum sentencing exposure at trial because he was not informed of the statutory sentencing cap.
2. Whether defendant's appeal from the order denying his CPL 440.10(1)(h) motion should remain pending after the judgment and pleas were vacated.

HOLDINGS

1. A guilty plea is not knowing, voluntary, and intelligent when the defendant is not informed of the statutory sentencing cap and, as a result, materially misunderstands the sentencing exposure avoided by accepting the plea. Because defendant's misunderstanding affected his decision to plead guilty, both pleas had to be vacated.
2. The appeal from the order denying defendant's CPL 440.10(1)(h) motion was dismissed as academic after the judgment of conviction and guilty pleas were vacated.

KEY QUOTATIONS

“The sentencing risk that a defendant would avoid by pleading guilty is an essential consideration in determining whether or not to accept a plea deal” (at [*1])

“guilty plea is voluntary only if it represents an informed choice freely made by a defendant among other valid alternatives.” (at [*1])

“defendants must . . . be made aware of the sentencing parameters so that they may assess the propriety of entering a plea of guilty” (at [*1])

FACTUAL BACKGROUND

Defendant pleaded guilty to two counts of attempted rape in the first degree in exchange for consecutive prison terms totaling 22.5 years. He was told that he faced two consecutive 15-year sentences if he went to trial, but the statutory aggregate sentencing cap meant that he could serve no more than 20 years. Defendant was not informed of the cap, and the plea therefore provided him the same maximum sentence he could have received after trial. The record also showed that he remained conflicted about pleading guilty and sought to withdraw his plea.

PROCEDURAL HISTORY

The Supreme Court, New York County, rendered judgment on April 19, 2022, after defendant pleaded guilty to two counts of attempted rape in the first degree and sentenced him to consecutive prison terms of 10 years and

12.5 years. Defendant later moved under CPL 440.10(1)(h) to vacate the judgment, and the motion was denied by order entered on or about March 25, 2025. The Appellate Division unanimously reversed the judgment, vacated both pleas, and remanded for further proceedings; it dismissed the appeal from the post-conviction order as academic.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of conviction is reversed, both guilty pleas are vacated, and the matter is remanded to Supreme Court, New York County, for further proceedings. The appeal from the order denying the CPL 440.10(1)(h) motion is dismissed as academic.

CASES CITED

- People v. Buchanan, 194 A.D.3d 655 (1st Dep't 2021), lv. denied, 37 N.Y.3d 970 (2021)
- People v. Johnson, 160 A.D.3d 516, 518 (1st Dep't 2018)
- People v. Scott, 44 N.Y.3d 302, 314 (2025)
- People v. Harris, 61 N.Y.2d 9, 19 (1983)
- People v. Van Alstyne, 220 A.D.3d 1105, 1107 (3d Dep't 2023)
- People v. Golden, 170 A.D.3d 528 (1st Dep't 2019)