

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

People v. Carter

2026 NY Slip Op 03180 (2d Dep't 2026) · No. 2023-05894 · Decided May 20, 2026

SUMMARY

The New York Supreme Court, Appellate Division, Second Department affirmed a judgment convicting Noah Carter of attempted criminal possession of a weapon in the second degree following his guilty plea. The court held that Carter knowingly, voluntarily, and intelligently waived his right to appeal, precluding review of his claim that the imposed period of postrelease supervision was excessive.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Francesca E. Connolly, J.P.; Valerie Brathwaite Nelson, J.; Barry E. Warhit, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	May 20, 2026
DOCKET	2023-05894
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Queens County, entered after his guilty plea and sentence for attempted criminal possession of a weapon in the second degree.
PRECEDENTIAL VALUE	Published
PARTIES	Noah Carter v. The People of the State of New York

TOPICS

- criminal procedure
- appellate procedure
- sentencing
- preservation of error

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the defendant knowingly, voluntarily, and intelligently waived his right to appeal.
2. Whether the defendant's valid appeal waiver precluded appellate review of his contention that the period of postrelease supervision was excessive.

HOLDINGS

1. The record demonstrated that Carter knowingly, voluntarily, and intelligently waived his right to appeal.
2. A valid waiver of the right to appeal precludes appellate review of a claim that the period of postrelease supervision imposed as part of the sentence was excessive.

KEY QUOTATIONS

*“Contrary to the defendant's contention, the record demonstrates that he knowingly, voluntarily, and intelligently waived his right to appeal” (*1)*

*“The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the period of postrelease supervision imposed as part of the sentence was excessive” (*1)*

FACTUAL BACKGROUND

Carter pleaded guilty to attempted criminal possession of a weapon in the second degree in the Supreme Court, Queens County. The court entered judgment on June 7, 2023, and imposed sentence, including a period of postrelease supervision. On appeal, Carter contended that the postrelease supervision was excessive, but the appellate court found that he had knowingly, voluntarily, and intelligently waived his right to appeal.

PROCEDURAL HISTORY

The Supreme Court, Queens County, rendered judgment on June 7, 2023, convicting Carter upon his plea of guilty and imposing sentence. Carter appealed, challenging the excessiveness of the postrelease-supervision component of his sentence. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 N.Y.3d 545
- People v. Lopez, 6 N.Y.3d 248, 256
- People v. Brown, 186 A.D.3d 849

OPINION

People v. Carter 2026 NY Slip Op 03180

PER CURIAM.

People v Carter - 2026 NY Slip Op 03180 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v Carter 2026 NY Slip Op 03180 May 20, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, respondent, v Noah Carter, appellant. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on May 20, 2026 2023-05894, (Ind. No. 73927/22) Francesca E. Connolly, J.P. Valerie Brathwaite Nelson Barry E. Warhit Elena Goldberg Velazquez, JJ. Twyla Carter, New York, NY (Steven Berko of counsel), for appellant. Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill and William H. Branigan of counsel; Sarah Walter on the brief), for respondent. [*1] DECISION & ORDER Appeal by the defendant from a judgment of the Supreme Court, Queens County (Frances Y. Wang, J.), rendered June 7, 2023, convicting him of attempted criminal possession of a weapon in the second degree, upon his plea of guilty, and imposing sentence. ORDERED that the judgment is affirmed. Contrary to the defendant's contention, the record demonstrates that he knowingly, voluntarily, and intelligently waived his right to appeal (see People v Thomas , 34 NY3d 545 ; People v Lopez , 6 NY3d 248, 256). The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the period of postrelease supervision imposed as part of the sentence was excessive (see People v Lopez , 6 NY3d at 255-256 ; People v Brown , 186 AD3d 849). CONNOLLY, J.P., BRATHWAITE NELSON, WARHIT and GOLDBERG VELAZQUEZ, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.

PER CURIAM.

<div>People v Carter - 2026 NY Slip Op 03180 <div> skip to main content </div> <div> <p>It appears you are using Adblock. Please disable Adblock to best experience our website.</p> </div> <div> <header> <div> </div> <div> Law Reporting
Bureau Thomas J.K. Smith, State Reporter <nav> Court Decisions Resources About </nav> </div> <div> </div> </header> </div> <nav> Home All Court Decisions Decisions </nav> <div> <div> <h1>People v Carter</h1> <p>2026 NY Slip Op 03180</p> <p>May 20, 2026</p> <p>Appellate Division, Second Department</p> <p>Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.</p> <p>This decision is uncorrected and subject to

revision before publication in the Official Reports.

The People of the State of New York, respondent,

v

Noah Carter, appellant.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on May 20, 2026

2023-05894, (Ind. No. 73927/22)

Francesca E. Connolly, J.P.

Valerie Brathwaite Nelson

Barry E. Warhit

Elena Goldberg Velazquez, JJ.

Twyla Carter, New York, NY (Steven Berko of counsel), for appellant.

Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill and William H. Branigan of counsel; Sarah Walter on the brief), for respondent.

[*1]

DECISION & ORDER

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Frances Y. Wang, J.), rendered June 7, 2023, convicting him of attempted criminal possession of a weapon in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the record demonstrates that he knowingly, voluntarily, and intelligently waived his right to appeal (*see* *People v Thomas*, 34 NY3d 545; *People v Lopez*, 6 NY3d 248, 256). The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the period of postrelease supervision imposed as part of the sentence was excessive (*see* *People v Lopez*, 6 NY3d at 255-256; *People v Brown*, 186 AD3d 849).

CONNOLLY, J.P., BRATHWAITE NELSON, WARHIT and GOLDBERG VELAZQUEZ, JJ., concur.

ENTER:

Darrell M. Joseph

Clerk of the Court

Court Decisions

All Court Decisions

Official Reports

Service Bound Volumes

Decision Search

Resources

RSS Feeds

Style Manual

Citation Tools

Opinion Formatting & Privacy Guidelines

Opinion Selection Criteria

Legal Research Portal

Site Index

About

About the Law Reporting Bureau

About our Operations

Contact Us

Twitter

Quick Contact Info

17 Lodge Street

Albany, NY 12207

Phone: (518) 453-6900

Links to or from other sites do not signify endorsement or relationship with them.