

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

People v. Hillaire

2026 NY Slip Op 00324 · No. Case No. 2024-00609; Appeal No. 5649; Ind. No. 71235/23 · Decided January 22,
2026

SUMMARY

The Appellate Division, First Department unanimously affirmed Travain Hillaire's conviction and seven-year sentence for criminal possession of a weapon in the second degree. The court held that Hillaire's challenge to the voluntariness of his guilty plea was unpreserved and, alternatively, rejected it on the merits, finding that the confidential informant was relevant to probable cause but not trial issues and that probable cause was independently supported by police observation of the firearm.

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	New York Supreme Court, Appellate Division, First Department
DECIDED	January 22, 2026
DOCKET	Case No. 2024-00609; Appeal No. 5649; Ind. No. 71235/23
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, New York County, rendered after his guilty plea and sentencing for criminal possession of a weapon in the second degree.
STANDARD OF REVIEW	Preservation of error was reviewed under New York's contemporaneous-objection requirement; the court alternatively reviewed the plea claim on the merits and reviewed the sealed Darden-hearing transcript to assess probable cause.
PRECEDENTIAL VALUE	published
PARTIES	Travain Hillaire v. The People of the State of New York

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether defendant preserved his claim that his guilty plea was involuntary because the court and counsel allegedly misinformed him about the confidential informant's relevance and possible cross-examination.
2. Whether the unpreserved plea claim fell within the narrow exception to New York's preservation requirement or warranted interest-of-justice review.
3. Whether the court and counsel correctly explained that the confidential informant was relevant to probable cause but not to trial issues, and whether the Darden hearing established a sufficient basis for probable cause.

HOLDINGS

1. A defendant who neither moves to withdraw the guilty plea nor articulates the alleged error before the trial court has not preserved a claim that the plea was rendered involuntary by alleged misinformation.
2. The narrow exception to the preservation requirement did not apply, and the court declined to review the unpreserved claim in the interest of justice.
3. The court and counsel correctly informed defendant that the confidential informant was relevant to the probable-cause determination but not to trial issues under the circumstances presented.
4. The sealed Darden hearing established probable cause because the confidential informant existed, was reliable, and had an ample basis for knowledge; independently, officers' observation of the firearm on defendant's lap supplied an additional basis for probable cause.

KEY QUOTATIONS

*"His claim also does not fall within the "narrow exception" to the preservation requirement, which exists "in rare cases where the defendant lacks a reasonable opportunity to object" to an error "which is clear on the face of the record and to which the court's attention should have been instantly drawn"" (*1)*

FACTUAL BACKGROUND

Defendant pleaded guilty to criminal possession of a weapon in the second degree after a confidential informant allegedly provided information that he possessed a firearm. At a Darden hearing, the court found that the informant existed, was reliable, and had an adequate basis for the information. Police officers also observed a firearm on defendant's lap after approaching the vehicle.

PROCEDURAL HISTORY

The Supreme Court, New York County, convicted defendant upon his guilty plea and sentenced him as a second violent felony offender to seven years. On appeal, defendant argued that his plea was involuntary because the court and counsel allegedly misinformed him about the relevance and cross-examination of a confidential informant. The Appellate Division held the claim unpreserved, declined interest-of-justice review, alternatively rejected it on the merits, and affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Williams, 27 NY3d 212, 214 (2016)
- People v. Elliot, 137 AD3d 715, 716 (1st Dept 2016), lv denied 27 NY3d 1131 (2016)
- People v. Brown, 82 NY2d 869, 871 (1993)
- People v. Vasquez, 140 AD3d 571, 572 (1st Dept 2016), lv denied 28 NY3d 1076 (2016)
- People v. Rivera, 138 401, 402 (1st Dept 2016), lv denied 28 NY3d 936 (2016)