

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

People v. Mejia

2026 NY Slip Op 00797 · No. 2023-05923 · Decided February 11, 2026

SUMMARY

The New York Appellate Division, Second Department, affirmed Carlos Mejia's judgment of conviction for assault in the second degree following his guilty plea. The court held that Mejia knowingly and voluntarily waived his right to appeal, and that his remaining challenges to his second felony offender adjudication and sentence were either unpreserved, not reviewable under the illegal-sentence exception, or not reached in the interest of justice.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Hector D. LaSalle, P.J.; Helen Voutsinas, J.; Laurence L. Love, J.; Phillip Hom, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	February 11, 2026
DOCKET	2023-05923
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Queens County, convicting him upon his guilty plea of assault in the second degree and imposing sentence.
STANDARD OF REVIEW	The court reviewed the validity and scope of the appeal waiver under the totality of the circumstances, reviewed preservation of sentencing and constitutional claims under New York law, and considered whether an unpreserved claim fell within the narrow illegal-sentence exception.
PRECEDENTIAL VALUE	Published intermediate appellate decision
PARTIES	Carlos Mejia v. The People of the State of New York

TOPICS

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QUESTIONS PRESENTED

1. Whether the defendant knowingly, voluntarily, and intelligently waived his right to appeal despite the court's explaining the waiver after his factual allocution.
2. Whether the valid appeal waiver barred the defendant's constitutional challenge to his adjudication as a second felony offender under *Erlinger v. United States* and *Apprendi v. New Jersey*.
3. Whether the defendant preserved his claim that the People failed to establish the requisite tolling period to bring his prior felony conviction within the applicable ten-year look-back period.
4. Whether the unpreserved sentencing claim qualified for review under New York's narrow illegal-sentence exception.
5. Whether the defendant's facial constitutional challenge to New York's predicate-felony offender statutes was preserved for appellate review.

HOLDINGS

1. Under the totality of the circumstances, the defendant knowingly, voluntarily, and intelligently waived his right to appeal. The waiver was valid even though the court discussed it after the defendant's factual allocution because the defendant knew of the People's demand before agreeing to plead guilty, had discussed it with counsel, executed a written waiver before the plea proceeding, and received an adequate explanation of the waiver.
2. The valid appeal waiver barred appellate review of the defendant's claim that his adjudication as a second felony offender was unconstitutional under *Erlinger v. United States* and *Apprendi v. New Jersey*.
3. The defendant's claim that the People failed to establish the requisite tolling period was unpreserved because he did not contest or controvert his second-felony-offender status before or at sentencing.
4. The defendant's facial constitutional challenge to New York's predicate-felony offender statutes was not precluded by the appeal waiver, but it was unpreserved and the court declined to reach it in the interest of justice.

KEY QUOTATIONS

“Under the totality of the circumstances, the record demonstrates that the defendant 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 his adjudication as a second felony offender was unconstitutional” ([*1])

FACTUAL BACKGROUND

Carlos Mejia pleaded guilty to assault in the second degree and was sentenced as a second felony offender. Before the plea proceeding, he acknowledged discussing an appeal waiver with counsel and executed a written waiver of his right to appeal. The Supreme Court later explained the nature and consequences of the waiver, including its distinction from rights automatically forfeited by a guilty plea, and Mejia acknowledged understanding that explanation.

PROCEDURAL HISTORY

The defendant pleaded guilty to assault in the second degree in the Supreme Court, Queens County, and was sentenced on June 13, 2023. On appeal, he challenged the validity of his appeal waiver, his adjudication as a second felony offender, the legality of his sentence based on the predicate-felony look-back period, and the facial constitutionality of New York's predicate-felony offender statutes. The Appellate Division affirmed, holding that some claims were barred by the valid appeal waiver and that the remaining claims were unpreserved and would not be reached in the interest of justice.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 NY3d 545
- People v. Lopez, 6 NY3d 248
- People v. Callejo, 237 AD3d 1218, 1218-1219
- People v. White, 234 AD3d 884, 884-885
- People v. Bradshaw, 18 NY3d 257, 264
- People v. Batista, 167 AD3d 69, 73
- People v. Morao, 238 AD3d 1175, 1175
- People v. Sobers, 235 AD3d 908, 909
- Erlinger v. United States, 602 US 821
- Apprendi v. New Jersey, 530 US 466
- People v. Simpson, ___ AD3d ___, ___, 2025 NY Slip Op 06735, *1
- People v. Lashley, 37 NY3d 1140, 1141
- People v. Spencer, 165 AD3d 706, 707
- People v. Cofield, 215 AD3d 882, 883
- People v. Smith, ___ AD3d ___, 2025 NY Slip Op 07321
- People v. Hernandez, 43 NY3d 591, 597

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