

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

People v. Faircloth

2026 NY Slip Op 03977 · No. 2022-05453 · Decided June 24, 2026

SUMMARY

The Appellate Division, Second Department affirmed a judgment convicting Messiah Faircloth of attempted assault in the first degree following his guilty plea. The court held that the defendant's challenge to the plea was unpreserved and, in any event, that the record demonstrated the plea was knowing, voluntary, and intelligent.

CASE DETAILS

|                       |                                                                                                                                                                                                                       |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Second Judicial Department                                                                                                                                |
| WRITING FOR THE COURT | Cheryl E. Chambers, J.P.; Linda Christopher, J.; Carl J. Landicino, J.; Phillip Hom, J.                                                                                                                               |
| JURISDICTION          | Supreme Court of the State of New York, Appellate Division, Second Judicial Department                                                                                                                                |
| DECIDED               | June 24, 2026                                                                                                                                                                                                         |
| DOCKET                | 2022-05453                                                                                                                                                                                                            |
| DISPOSITION           | affirmed                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | The defendant appealed from a judgment of the County Court, Dutchess County, convicting him upon his plea of guilty of attempted assault in the first degree and imposing sentence.                                   |
| STANDARD OF REVIEW    | The challenge to the guilty plea was reviewed for preservation under New York appellate procedure; the court alternatively reviewed the record to determine whether the plea was knowing, voluntary, and intelligent. |
| PRECEDENTIAL VALUE    | Published opinion                                                                                                                                                                                                     |
| PARTIES               | Messiah Faircloth v. The People of the State of New York                                                                                                                                                              |

TOPICS

- criminal procedure
- preservation of error
- appellate procedure
- plea bargaining

## PRACTICE AREAS

criminal procedure

appellate procedure

guilty pleas

## QUESTIONS PRESENTED

1. Whether the defendant's challenge to the knowing, voluntary, and intelligent nature of his guilty plea was preserved for appellate review.
2. Whether an exception to New York's preservation requirement applied based on the defendant's plea allocution.
3. Whether the record established that the defendant's guilty plea was knowing, voluntary, and intelligent.

## HOLDINGS

1. A defendant's contention that a guilty plea was not knowing, voluntary, and intelligent is unpreserved for appellate review when the defendant did not move to withdraw the plea or otherwise raise the issue in the trial court.
2. The exception to the preservation requirement does not apply when the plea allocution does not cast significant doubt on the defendant's guilt, negate an essential element of the offense, or call the voluntariness of the plea into question.
3. The record demonstrated that the defendant's guilty plea was knowing, voluntary, and intelligent.

## FACTUAL BACKGROUND

Messiah Faircloth pleaded guilty to attempted assault in the first degree in the County Court, Dutchess County. The County Court imposed sentence in a judgment rendered June 15, 2022. On appeal, Faircloth challenged the validity of his guilty plea, but the appellate court found that the plea allocution did not cast significant doubt on his guilt, negate an essential element, or call the voluntariness of the plea into question.

## PROCEDURAL HISTORY

The County Court, Dutchess County, rendered a judgment on June 15, 2022, convicting Faircloth upon his guilty plea and imposing sentence. On appeal, the Appellate Division affirmed, holding that the challenge to the plea was unpreserved and, alternatively, that the plea was knowing, voluntary, and intelligent.

## DISPOSITION

affirmed

## CASES CITED

- People v. Lopez, 71 NY2d 662, 665
- People v. Escobargarcia, 237 AD3d 1221, 1222
- People v. Bermudez-Cedillos, 228 AD3d 681, 682
- People v. Ramsay, 248 AD3d 1141

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