

**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.

OPINION

PER CURIAM.

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This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, respondent, v Messiah Faircloth, appellant. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 24, 2026 2022-05453, (Ind. No. 18/21) Cheryl E. Chambers, J.P. Linda Christopher Carl J. Landicino Phillip Hom, JJ. Kelley M. Enderley, Poughkeepsie, NY, for appellant.

Anthony P. Parisi, District Attorney, Poughkeepsie, NY (Anna K. Diehn of counsel), for respondent. [*1] DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Dutchess County (Edward T. McLoughlin, J.), rendered June 15, 2022, convicting him of attempted assault in the first degree, upon his plea of guilty, and imposing sentence. ORDERED that the judgment is affirmed.

The defendant's contention that his plea of guilty was not knowing, voluntary, and intelligent is unpreserved for appellate review, since the defendant did not move to withdraw his plea or otherwise raise the issue in the County Court (see People v Lopez, 71 NY2d 662, 665; People v Escobargarcia, 237 AD3d 1221, 1222).

Moreover, the exception to the preservation requirement does not apply here because the defendant's allocution did not cast significant doubt on his guilt as to the crime to which he

pleaded, negate an essential element of the crime, or call into question the voluntariness of his plea (see *People v Bermudez-Cedillos*, 228 AD3d 681, 682).

In any event, the record demonstrates that the defendant's plea of guilty was knowing, voluntary, and intelligent (see *People v Ramsay*, 248 AD3d 1141; *People v Escobargarcia*, 237 AD3d at 1222). CHAMBERS, J.P., CHRISTOPHER, LANDICINO and HOM, 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.