

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

People v. Harrington

2026 NY Slip Op 01075 · No. 2022-08176; 2022-08177 · Decided February 25, 2026

SUMMARY

The New York Appellate Division, Second Department, affirmed judgments convicting Travis Harrington of aggravated sexual abuse in the second degree and bail jumping in the second degree following guilty pleas. The court held that Harrington knowingly, voluntarily, and intelligently waived his right to appeal, which barred review of his second-felony-offender adjudication and excessive-sentence claim; his facial constitutional challenge to New York's predicate felony offender statutes was unpreserved and declined in the interest of justice.

OPINION

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PER CURIAM.

People v Harrington (2026 NY Slip Op 01075) People v Harrington 2026 NY Slip Op 01075
Decided on February 25, 2026 Appellate Division, Second Department Published by New York
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subject to revision before publication in the Official Reports. Decided on February 25, 2026

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Second Judicial Department FRANCESCA E. CONNOLLY, J.P.

HELEN VOUTSINAS

LILLIAN WAN

JANICE A. TAYLOR, JJ. 2022-08176

2022-08177 [*1]The People of the State of New York, respondent, v Travis Harrington, appellant.
(Ind. Nos. 5682/15, 8479/17) Patricia Pazner, New York, NY (Denise A. Corsí of counsel), for
appellant. Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Amy Appelbaum,
and Shlomit Heering of counsel), for respondent. DECISION & ORDER Appeals by the
defendant from two judgments of the Supreme Court, Kings County (Jill H. Konviser, J.), both
rendered September 13, 2022, convicting him of aggravated sexual abuse in the second degree
under Indictment No. 5682/15 and bail jumping in the second degree under Indictment No.
8479/17, upon his pleas of guilty, and imposing sentences. ORDERED that the judgments are
affirmed. Contrary to the defendant's contention, his waiver of the right to appeal was valid.
Although much of the discussion of the waiver of the right to appeal took place after the defendant
had admitted his guilt, the appeal waiver was mentioned as being a condition of the plea bargain

prior to the defendant's entry of his pleas of guilty and admissions of guilt (see *People v Felipe* , 236 AD3d 920 , 920-921; *People v Kadriu* , 236 AD3d 820 , 820; *People v Victor* , 235 AD3d 783 , 784; *People v Francois* , 235 AD3d 657 , 657; *People v White* , 234 AD3d 884 , 884-885). Under the totality of the circumstances, including the exemplary explanation of the right to appeal provided to the defendant and the defendant's age, experience, and background, the appeal waiver was knowing, voluntary, and intelligent (see *People v Sanders* , 25 NY3d 337, 340 ; *People v Bradshaw* , 18 NY3d 257, 264 ; *People v Walcott* , 238 AD3d 1177 ; *People v Victor* , 235 AD3d at 784; *People v White* , 234 AD3d at 885). The defendant's valid waiver of his right to appeal precludes appellate review of his challenge to the procedure used to adjudicate him a second felony offender (see *People v Smith* , 244 AD3d 1144 ; *People v Simpson* , 244 AD3d 762 ; *People v Haynes* , 70 AD3d 718, 718-719 ; see also *People v Lassiter* , 48 AD3d 700 ; *People v Backus* , 43 AD3d 409, 410), as well as his contention that the sentences imposed were excessive (see *People v Lopez* , 6 NY3d 248, 256). To the extent the defendant contends that New York's predicate felony offender statutes are facially unconstitutional, that contention is not precluded by the appeal waiver (see *People v Johnson* , ____ NY3d ____, 2025 NY Slip Op 06528 ; *People v Smith* , 244 AD3d 1144). However, that contention is unpreserved for appellate review (see CPL 470.05[2]; *People v Hernandez* , 43 NY3d 591, 597 ; *People v Munoz* , 237 AD3d 1110 , 1111), and we decline to reach [*2]it in the exercise of our interest of justice jurisdiction (see *People v Munoz* , 237 AD3d at 1111). CONNOLLY, J.P., VOUTSINAS, WAN and TAYLOR, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court