

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

People v. Cuevas

Cuevas, 2026 NY Slip Op 03640 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Case No. 2020-02150; Appeal No. 6818; Ind. No. 138/19 · Decided June 9, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed Julio Cuevas's judgment of conviction for criminal sale of a controlled substance in the third degree following his guilty plea. The court held that Cuevas's challenge to the adequacy of the sentencing inquiry regarding his post-plea statements was unpreserved and, in any event, the record did not cast doubt on the voluntariness of his plea.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Moulton, J.P.; Friedman, J.; Pitt-Burke, J.; Rosado, J.; Michael, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	June 9, 2026
DOCKET	Case No. 2020-02150; Appeal No. 6818; Ind. No. 138/19
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, Bronx County, entered after his guilty plea and sentencing for criminal sale of a controlled substance in the third degree.
STANDARD OF REVIEW	The court reviewed the unpreserved challenge to the validity and voluntariness of the guilty plea under New York's preservation requirements and considered whether the appellate record cast doubt on the plea's voluntariness.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Julio Cuevas, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

plea bargaining

preservation of error

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

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QUESTIONS PRESENTED

1. Whether defendant preserved his claim that the trial court was required to conduct a more detailed inquiry at sentencing after defendant made postplea statements challenging the factual basis of his guilty plea.
2. Whether the appellate record nevertheless demonstrated that defendant's guilty plea was involuntary or required further inquiry despite the lack of preservation and the absence of a motion to withdraw the plea or vacate the judgment.

HOLDINGS

1. A defendant's claim that the trial court failed to conduct a more searching inquiry into postplea statements at sentencing challenging the factual basis of the guilty plea is unpreserved when raised for the first time on appeal; the narrow exception to preservation does not apply.
2. The record did not cast doubt on the voluntariness of defendant's guilty plea and did not require a more detailed sentencing inquiry.

KEY QUOTATIONS

*“The record on appeal does not cast doubt on the voluntariness of defendant's plea but merely reflects defendant's desire for another opportunity for treatment.” (*1)*

FACTUAL BACKGROUND

Defendant pleaded guilty to criminal sale of a controlled substance in the third degree and was sentenced as a second felony offender to 2 1/2 years. During a presentence investigation interview, he reportedly stated that he was not guilty and wanted to retract his guilty plea. At sentencing, however, defense counsel stated that defendant admitted his guilt and was seeking drug treatment, and defendant answered affirmatively when the court asked whether he did not wish to take back his guilty plea.

PROCEDURAL HISTORY

Supreme Court, Bronx County, convicted defendant upon his guilty plea and sentenced him as a second felony offender to 2 1/2 years' imprisonment. On appeal, defendant argued for the first time that the court should have conducted a more detailed inquiry into statements made during his presentence investigation interview indicating that he was not guilty and wanted to retract his plea. The Appellate Division unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Rios, 2026 NY Slip Op 00963, *3
- People v. Lopez, 71 NY2d 662, 666 (1988)
- People v. Rios, 2026 NY Slip Op 00963, *1, *3

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