

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

People v. Willis

2026 NY Slip Op 00158 · No. 2024-01145; 2024-09725 · Decided January 14, 2026

SUMMARY

The Appellate Division, Second Department, affirmed two judgments convicting Jerod F. Willis of controlled-substance offenses following guilty pleas. The court held that his challenge to the validity of one plea was unpreserved, that his appellate-rights waiver was valid, and that the sentences were not excessive.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Second Judicial Department                                                                                                                                                                                        |
| WRITING FOR THE COURT | Mark C. Dillon, J.P.; Valerie Brathwaite Nelson, J.; Carl J. Landicino, J.; Susan Quirk, J.                                                                                                                                                                                   |
| JURISDICTION          | Supreme Court of the State of New York, Appellate Division, Second Judicial Department                                                                                                                                                                                        |
| DECIDED               | January 14, 2026                                                                                                                                                                                                                                                              |
| DOCKET                | 2024-01145; 2024-09725                                                                                                                                                                                                                                                        |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | The defendant appealed from two County Court judgments entered after guilty pleas, challenging the validity of one plea and the sentences imposed.                                                                                                                            |
| STANDARD OF REVIEW    | The court applied preservation principles to the unpreserved guilty-plea challenge, reviewed the record for the validity of the plea, enforced the valid waiver of appellate rights, and reviewed the sentence under Superior Court Information No. 125/21 for excessiveness. |
| PRECEDENTIAL VALUE    | Published opinion; precedential under applicable New York law.                                                                                                                                                                                                                |
| PARTIES               | Jerod F. Willis v. The People of the State of New York                                                                                                                                                                                                                        |

TOPICS

appellate procedure

preservation of error

plea bargaining

sentencing

criminal procedure

## PRACTICE AREAS

criminal procedure

criminal appeals

guilty pleas

sentencing

## QUESTIONS PRESENTED

1. Whether the defendant's challenge to the validity of his guilty plea under Indictment No. 37/23 was preserved for appellate review.
2. Whether the guilty plea under Indictment No. 37/23 was knowingly, voluntarily, and intelligently entered.
3. Whether the defendant validly waived his right to appeal under Indictment No. 37/23.
4. Whether the sentence imposed under Indictment No. 37/23 was excessive despite the appellate waiver.
5. Whether the sentence imposed under Superior Court Information No. 125/21 was excessive.

## HOLDINGS

1. A defendant's challenge to the validity of a guilty plea is unpreserved where the defendant neither moves to withdraw the plea nor otherwise objects to its entry before sentencing.
2. The guilty plea under Indictment No. 37/23 was knowingly, voluntarily, and intelligently entered.
3. The defendant validly waived his right to appeal under Indictment No. 37/23.
4. The defendant's valid waiver of the right to appeal precluded appellate review of his claim that the sentence imposed under Indictment No. 37/23 was excessive.
5. The sentence imposed under Superior Court Information No. 125/21 was not excessive.

## FACTUAL BACKGROUND

Willis pleaded guilty under Superior Court Information No. 125/21 to criminal possession of a controlled substance in the third degree and criminal possession of a controlled substance in the fourth degree. Under Indictment No. 37/23, he pleaded guilty to two counts of criminal sale of a controlled substance in the third degree. The County Court imposed sentences on December 4, 2023, and Willis challenged the validity of one plea and the severity of the sentences on appeal.

## PROCEDURAL HISTORY

The Dutchess County Court entered two judgments on December 4, 2023, convicting Willis upon guilty pleas of controlled-substance possession and sale offenses and imposing sentences. Willis appealed to the Appellate Division, which affirmed both judgments.

## DISPOSITION

affirmed

## CASES CITED

- People v. Peque, 22 NY3d 168, 182
- People v. Sougou, 26 NY3d 1052, 1054
- People v. Lopez, 6 NY3d 248, 256
- People v. Lopez, 6 NY3d 248, 255-256
- People v. McCorkle, 230 AD3d 1337
- People v. Suitte, 90 AD2d 80

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