

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

People v. Rivas

2026 NY Slip Op 02609 · No. Ind. No. 74026/22; Appeal No. 6471; Case No. 2023-06240 · Decided April 28, 2026

SUMMARY

The Appellate Division, First Department modified the judgment convicting Angel Rivas upon his guilty plea to attempted criminal possession of a weapon in the second degree. The court struck six probation conditions as not reasonably related to rehabilitation or necessary to ensure lawful conduct, including conditions concerning dependents, substance testing and treatment, mental health treatment, gang affiliation, and an ignition interlock device. The judgment was otherwise affirmed.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Mendez, J.; Rodriguez, J.; O'Neill Levy, J.; Michael, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	April 28, 2026
DOCKET	Ind. No. 74026/22; Appeal No. 6471; Case No. 2023-06240
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, entered after his guilty plea and imposing five years of probation. The Appellate Division modified the judgment by striking six probation conditions and otherwise affirmed.
STANDARD OF REVIEW	The legality of probation conditions was reviewed as a question of law.
PRECEDENTIAL VALUE	published
PARTIES	Angel Rivas v. The People of the State of New York

TOPICS

- probation
- criminal procedure
- appellate procedure
- preservation of error
- remedies

PRACTICE AREAS

criminal law

criminal procedure

sentencing and probation

appellate practice

QUESTIONS PRESENTED

1. Whether defendant's challenges to the legality of the probation conditions were foreclosed by his appeal waiver.
2. Whether the challenges were unpreserved for appellate review.
3. Whether six probation conditions were reasonably related to defendant's rehabilitation or necessary to ensure that he would lead a law-abiding life under Penal Law § 65.10(1).

HOLDINGS

1. A defendant's appeal waiver does not foreclose a challenge to the legality of probation conditions.
2. The lack of preservation did not foreclose appellate review of the legality of the probation conditions.
3. The conditions requiring defendant to support dependents and meet family responsibilities; submit to drug and alcohol testing; undergo mental-health treatment; participate in substance-abuse, domestic-violence, or alternatives-to-violence programs; refrain from gang affiliation; and install and maintain an ignition interlock device were improperly imposed and had to be stricken because they were not reasonably related to defendant's rehabilitation or necessary to ensure that he would lead a law-abiding life.

KEY QUOTATIONS

*"The six challenged conditions of probation must be stricken because they are "not reasonably related to defendant's rehabilitation, or necessary to ensure that he will lead a law-abiding life"" (*1)*

FACTUAL BACKGROUND

Defendant pleaded guilty to attempted criminal possession of a weapon in the second degree and received a five-year probation sentence. He lived with his parents, had no dependents, denied illegal drug and alcohol use and mental-health issues, and had no identified history of gang affiliation. The record did not indicate that the offense involved drugs, alcohol, domestic violence, gang activity, a vehicle, or mental-health concerns, and the Department of Probation made no relevant treatment recommendations.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, convicted defendant upon his guilty plea to attempted criminal possession of a weapon in the second degree and sentenced him to five years of probation. On appeal, defendant challenged the legality of several probation conditions. The Appellate Division held that the challenges were reviewable despite an appeal waiver and lack of preservation, struck six conditions, and otherwise affirmed.

DISPOSITION

other

CASES CITED

- People v. Alvarez, 233 AD3d 619, 620 (1st Dept 2024), lv denied 43 NY3d 961 (2025)
- People v. Hakes, 32 NY3d 624, 628 n 3 (2018)
- People v. Vasquetelles, 241 AD3d 1208, 1209 (1st Dept 2025), lv denied 44 NY3d 1054 (2025)
- People v. Balogh, 245 AD3d 572, 574 (1st Dept 2026)

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