

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

People v. Bunting

2025 NY Slip Op 06615 (N.Y. Ct. App. 2025) · No. 2024-11916 · Decided November 26, 2025

SUMMARY

The Appellate Division, Second Department, affirmed the defendant's judgment of conviction for attempted robbery in the second degree following his guilty plea. The court held that the defendant knowingly, voluntarily, and intelligently waived his right to appeal, precluding review of his excessive-sentence and cruel-and-unusual-punishment claims.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Colleen D. Duffy, J.P.; Paul Wooten, J.; Phillip Hom, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	November 26, 2025
DOCKET	2024-11916
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a judgment of the County Court, Westchester County, entered after his guilty plea to attempted robbery in the second degree and imposing sentence.
PRECEDENTIAL VALUE	published
PARTIES	Christophe A. Bunting v. The People of the State of New York

TOPICS

- appellate procedure
- criminal procedure
- sentencing
- cruel and unusual punishment

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice
- sentencing

QUESTIONS PRESENTED

1. Whether the defendant knowingly, voluntarily, and intelligently waived his right to appeal.
2. Whether the valid appeal waiver precluded appellate review of the claims that the sentence was excessive and constituted cruel and unusual punishment.

HOLDINGS

1. The defendant knowingly, voluntarily, and intelligently waived his right to appeal, and the valid waiver precluded appellate review of his challenges to the sentence.

KEY QUOTATIONS

- “The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal”* ([*1])
- “The defendant’s valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive”* ([*1])

FACTUAL BACKGROUND

The defendant pleaded guilty to attempted robbery in the second degree. The County Court, Westchester County, imposed sentence in a judgment rendered October 22, 2024. On appeal, the defendant challenged the sentence as excessive and as constituting cruel and unusual punishment.

PROCEDURAL HISTORY

The County Court, Westchester County, rendered judgment on October 22, 2024, after the defendant pleaded guilty to attempted robbery in the second degree and was sentenced. The defendant appealed to the Appellate Division, Second Department, which affirmed the judgment because he knowingly, voluntarily, and intelligently waived his right to appeal.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 NY3d 545
- People v. Lopez, 6 NY3d 248
- People v. Archer, 239 AD3d 763, 764
- People v. Escobargarcia, 237 AD3d 1221, 1222

OPINION

PER CURIAM.

People v Bunting (2025 NY Slip Op 06615) People v Bunting 2025 NY Slip Op 06615 Decided on November 26, 2025 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on November 26, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department COLLEEN D. DUFFY, J.P.

PAUL WOOTEN PHILLIP HOM ELENA GOLDBERG VELAZQUEZ, JJ. 2024-11916 [*1]The People of the State of New York, respondent, v Christophe A. Bunting, appellant. (S.C.I. No. 71984/24) Samuel S. Coe, White Plains, NY, for appellant. Susan Cacace, District Attorney, White Plains, NY (Jill Oziemblewski of counsel), for respondent. DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Westchester County (Evan Inlaw, J.), rendered October 22, 2024, convicting him of attempted robbery in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed. The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal (see People v Thomas, 34 NY3d 545; People v Lopez, 6 NY3d 248).

The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive (see People v Lopez, 6 NY3d at 255), as well as his contention that the sentence constituted cruel and unusual punishment (see People v Archer, 239 AD3d 763, 764; People v Escobargarcia, 237 AD3d 1221, 1222). DUFFY, J.P., WOOTEN, HOM and GOLDBERG VELAZQUEZ, JJ., concur.

ENTER: Darrell M. Joseph Clerk of the Court