

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

People v. Cano-Pringle

2026 NY Slip Op 03207 (3d Dep't 2026) · No. CR-23-1554 · Decided May 21, 2026

SUMMARY

The Appellate Division, Third Department, affirmed a judgment convicting Ny-Jair Cano-Pringle upon his guilty plea to attempted promoting prison contraband in the first degree. The court held that the appeal waiver was valid because it was included in the People's plea offer and understood by the defendant, thereby precluding his challenge to the severity of the sentence.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Third Department
WRITING FOR THE COURT	Pritzker, J.P.; Reynolds Fitzgerald, J.; McShan, J.; Powers, J.; Ryba, J.
JURISDICTION	New York Appellate Division, Third Department
DECIDED	May 21, 2026
DOCKET	CR-23-1554
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a County Court judgment convicting him upon his guilty plea and sentencing him pursuant to a plea agreement that included a waiver of the right to appeal.
PRECEDENTIAL VALUE	published
PARTIES	Ny-Jair Cano-Pringle v. The People of the State of New York

TOPICS

- plea bargaining
- appellate procedure
- sentencing
- criminal procedure

PRACTICE AREAS

- criminal procedure
- appellate procedure
- plea bargaining
- sentencing

QUESTIONS PRESENTED

1. Whether the waiver of the right to appeal was invalid because County Court allegedly imposed it unilaterally as a condition of the plea agreement without articulating a reason.
2. Whether defendant's challenge to the severity of his sentence was precluded by the valid appeal waiver.

HOLDINGS

1. The appeal waiver was valid because the waiver was specifically included in the People's plea offer, placed on the record, and accepted as part of the agreed-upon disposition; County Court did not impose it unilaterally.
2. Because defendant did not otherwise challenge the validity of the appeal waiver, his challenge to the severity of the sentence was precluded.

KEY QUOTATIONS

*“The People's offer, which was placed on the record at the commencement of the plea proceeding and to which the court committed, specifically included a waiver of the right to appeal in return for the agreed-upon disposition.” (*1)*

FACTUAL BACKGROUND

Defendant was charged under a four-count indictment and entered a guilty plea to the reduced charge of attempted promoting prison contraband in the first degree. The plea agreement included a waiver of the right to appeal, and the People's offer containing that waiver was placed on the record at the beginning of the plea proceeding. Defendant acknowledged that he had consulted with counsel and understood the waiver's consequences. He was sentenced as a second felony offender to 2 to 4 years in prison.

PROCEDURAL HISTORY

Defendant was charged in a four-count indictment in Franklin County Court. He pleaded guilty to the reduced charge of attempted promoting prison contraband in the first degree, agreed to waive his right to appeal, and was sentenced as a second felony offender to 2 to 4 years in prison. He appealed, challenging the validity of the appeal waiver and the severity of the sentence.

DISPOSITION

affirmed

CASES CITED

- People v. Richards, 238 AD3d 1176, 1176 [2d Dept 2025], lv denied 44 NY3d 984 [2025]
- People v. Rodriguez, 235 AD3d 1193, 1194 [3d Dept 2025], lv denied 43 NY3d 965 [2025]