

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

People v. Weir

Weir, 2025 NY Slip Op 06468 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department 2025) · No. 823 KA 24-01195 · Decided November 21, 2025

SUMMARY

The New York Appellate Division, Fourth Department, unanimously affirmed a judgment convicting Eric J. Weir, upon his guilty plea, of criminal sexual act in the first degree. The court held that defendant's valid waiver of the right to appeal, which was included in the plea agreement and properly reviewed during the plea colloquy, foreclosed his challenge to the severity of his sentence.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Lindley, J.P.; Curran, J.; Bannister, J.; Ogden, J.; DelConte, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Department
DECIDED	November 21, 2025
DOCKET	823 KA 24-01195
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Onondaga County Court entered after his guilty plea to criminal sexual act in the first degree, challenging the enforceability of his waiver of the right to appeal and seeking review of the severity of his sentence.
PRECEDENTIAL VALUE	published
PARTIES	Eric J. Weir, defendant-appellant v. The People of the State of New York, respondent

TOPICS

- plea bargaining appellate procedure sentencing criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether defendant's waiver of the right to appeal was unenforceable because the County Court allegedly added it sua sponte as a condition of the plea.
2. Whether the waiver of the right to appeal precluded appellate review of defendant's challenge to the severity of his sentence.

HOLDINGS

1. The waiver of the right to appeal was valid and enforceable because the record showed that defendant and defense counsel agreed that the plea agreement included the waiver, and there was no indication that the court added it sua sponte.
2. The valid waiver of the right to appeal foreclosed defendant's challenge to the severity of his sentence.

KEY QUOTATIONS

"We therefore conclude that the valid waiver forecloses defendant's challenge to the severity of the sentence"
([*1])

FACTUAL BACKGROUND

Defendant pleaded guilty to criminal sexual act in the first degree under Penal Law former § 130.50(3). Immediately before entering the plea, defense counsel and defendant stated on the record that the plea agreement's proposed disposition included a waiver of the right to appeal. During the plea colloquy, the County Court used the appropriate model colloquy concerning the waiver.

PROCEDURAL HISTORY

Onondaga County Court entered judgment on July 2, 2024, convicting defendant upon his guilty plea of criminal sexual act in the first degree. The Appellate Division held that defendant validly waived his right to appeal as part of the plea agreement and unanimously affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Sutton, 184 A.D.3d 236, 243-245 (2d Dep't 2020), leave to appeal denied, 35 N.Y.3d 1070 (2020)
- People v. Coon, 240 A.D.3d 1427, 1427 (4th Dep't 2025), leave to appeal denied, 44 N.Y.3d 981 (2025)
- People v. Thomas, 34 N.Y.3d 545, 567 (2019), cert. denied, 140 S. Ct. 2634 (2020)
- People v. Lopez, 6 N.Y.3d 248, 255-256 (2006)

