

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

People v. Barnwell

2026 NY Slip Op 00255 (Supreme Court of the State of New York Appellate Division Second Judicial
Department 2026) · No. 2023-01652 · Decided January 21, 2026

SUMMARY

The Appellate Division, Second Department affirmed Terrence Barnwell's judgment of conviction for criminal possession of a weapon in the third degree following his guilty plea. The court held that Barnwell knowingly, voluntarily, and intelligently waived his right to appeal, precluding review of his speedy-trial and excessive-sentence claims.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Angela G. Iannacci, J.P.; Paul Wooten, J.; Deborah A. Dowling, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	January 21, 2026
DOCKET	2023-01652
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment convicting him, upon his plea of guilty, of criminal possession of a weapon in the third degree and imposing sentence.
PRECEDENTIAL VALUE	published
PARTIES	Terrence Barnwell v. The People of the State of New York

TOPICS

- appellate procedure
- criminal procedure
- speedy trial
- sentencing

PRACTICE AREAS

- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether defendant knowingly, voluntarily, and intelligently waived his right to appeal.
2. Whether the valid appeal waiver precluded appellate review of defendant's challenge to the denial of his statutory speedy-trial motion.
3. Whether the valid appeal waiver precluded appellate review of defendant's claim that his sentence was excessive.

HOLDINGS

1. The record demonstrated that defendant knowingly, voluntarily, and intelligently waived his right to appeal.
2. Defendant's valid waiver of the right to appeal precluded appellate review of his challenge to the denial of his motion to dismiss the indictment on the ground that he was deprived of his statutory right to a speedy trial.
3. Defendant's valid waiver of the right to appeal precluded appellate review of his contention that the sentence imposed was excessive.

FACTUAL BACKGROUND

Defendant was charged with criminal possession of a weapon in the third degree. He pleaded guilty and was sentenced by the Supreme Court, Kings County. On appeal, he challenged the denial of his motion to dismiss the indictment based on an alleged violation of his statutory speedy-trial right and argued that his sentence was excessive.

PROCEDURAL HISTORY

The Supreme Court, Kings County, rendered judgment on September 16, 2022, after defendant pleaded guilty to criminal possession of a weapon in the third degree and was sentenced. Defendant appealed, challenging the denial of his motion to dismiss the indictment on statutory speedy-trial grounds and the excessiveness of his sentence. The Appellate Division affirmed, holding that defendant validly waived his right to appeal.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 NY3d 545, 558-564
- People v. Lopez, 6 NY3d 248, 255-257
- People v. Corbin, 121 AD3d 803, 804-805
- People v. Detres, 237 AD3d 846
- People v. Montano, 235 AD3d 1003, 1003-1004
- People v. McLeod, 235 AD3d 999

- People v. Gore, 224 AD3d 848, 848-849
- People v. Cabral, 223 AD3d 839, 839
- People v. Stevens, 203 AD3d 958, 960-961

OPINION

PER CURIAM.

People v Barnwell (2026 NY Slip Op 00255) People v Barnwell 2026 NY Slip Op 00255 Decided on January 21, 2026 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 January 21, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department ANGELA G. IANNACCI, J.P.

PAUL WOOTEN DEBORAH A. DOWLING JAMES P. MCCORMACK, JJ. 2023-01652 (Ind. No. 72027/21) [*1]The People of the State of New York, respondent, v Terrence Barnwell, appellant. Patricia Pazner, New York, NY (Brian Perbix and Joshua M. Levine of counsel), for appellant. Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Michael Bierce, and Melissa Owen of counsel), for respondent.

DECISION & ORDER Appeal by the defendant from a judgment of the Supreme Court, Kings County (Raymond L. Rodriguez, J.), rendered September 16, 2022, convicting him of criminal possession of a weapon in the third degree, upon his plea of guilty, and imposing sentence. ORDERED that the judgment is affirmed. Contrary to the defendant's contention, the record demonstrates that he knowingly, voluntarily, and intelligently waived his right to appeal (see People v Thomas, 34 NY3d 545, 558-564; People v Lopez, 6 NY3d 248, 255-257; People v Corbin, 121 AD3d 803, 804-805).

The defendant's valid waiver of his right to appeal precludes appellate review of his challenge to the Supreme Court's denial of his motion to dismiss the indictment on the ground that he was deprived of his statutory right to a speedy trial (see People v Detres, 237 AD3d 846; People v Montano, 235 AD3d 1003, 1003-1004; People v McLeod, 235 AD3d 999; People v Gore, 224 AD3d 848, 848-849), as well as his contention that the sentence imposed was excessive (see People v Montano, 235 AD3d at 1004; People v Cabral, 223 AD3d 839, 839; People v Stevens, 203 AD3d 958, 960-961).

IANNACCI, J.P., WOOTEN, DOWLING and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court