

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

People v. Morrow

2021 NY Slip Op 05724 (N.Y. Ct. App. 2021) · No. 2019-08615 · Decided October 20, 2021

SUMMARY

The Appellate Division, Second Department affirmed the defendant's judgment of conviction for criminal possession of a controlled substance in the third degree following her guilty plea. The court held that she knowingly and voluntarily waived her right to appeal, her challenge to the voluntariness of the plea was unpreserved and meritless, and the waiver barred review of her excessive-sentence claim.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Per Curiam; Mark C. Dillon, J.P.; Linda Christopher, J.; Paul Wooten, J.; Deborah A. Dowling, J.
JURISDICTION	New York
DECIDED	October 20, 2021
DOCKET	2019-08615
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a County Court judgment convicting her, upon her guilty plea, of criminal possession of a controlled substance in the third degree and imposing sentence.
STANDARD OF REVIEW	The court applied New York preservation requirements to the challenge to plea voluntariness and reviewed the merits in the alternative; it also enforced a valid appellate-waiver provision against the excessive-sentence claim.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Meredithe Morrow v. The People of the State of New York

TOPICS

- criminal procedure
- appellate procedure
- preservation of error
- plea bargaining
- sentencing

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether defendant knowingly, voluntarily, and intelligently waived her right to appeal.
2. Whether defendant's challenge to the voluntariness of her guilty plea was preserved for appellate review and, if not, whether the plea was nevertheless knowing, voluntary, and intelligent.
3. Whether defendant's valid waiver of the right to appeal precluded appellate review of her excessive-sentence claim.

HOLDINGS

1. The defendant knowingly, voluntarily, and intelligently waived her right to appeal.
2. The defendant's claim concerning the voluntariness of her guilty plea survived her valid waiver of the right to appeal, but the claim was unpreserved; in any event, the record showed that the plea was knowing, voluntary, and intelligent.
3. The defendant's valid waiver of the right to appeal precluded appellate review of her claim that the sentence was excessive.

KEY QUOTATIONS

“The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived her right to appeal”

“the defendant's contention regarding the voluntariness of her plea survives her valid waiver of the right to appeal”

“the defendant's plea of guilty was knowing, voluntary, and intelligent”

FACTUAL BACKGROUND

Meredithe Morrow pleaded guilty in Dutchess County Court to criminal possession of a controlled substance in the third degree. The County Court imposed sentence in a judgment rendered January 11, 2019. On appeal, Morrow challenged the voluntariness of her guilty plea and argued that her sentence was excessive.

PROCEDURAL HISTORY

The Dutchess County Court rendered judgment on January 11, 2019, after defendant pleaded guilty to criminal possession of a controlled substance in the third degree and was sentenced. Defendant appealed to the Appellate Division, which affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Sanders, 25 NY3d 337, 340-342
- People v. Lopez, 6 NY3d 248, 256-257
- People v. Puccio, 191 AD3d 1022, 1022
- People v. Seaberg, 74 NY2d 1, 10
- People v. Lujan, 114 AD3d 963, 964
- People v. McClenic, 155 AD3d 1064
- People v. Coachman, 154 AD3d 957
- People v. Seeber, 4 NY3d 780, 780-781
- People v. Fiumefreddo, 82 NY2d 536, 543
- People v. Hendrix, 172 AD3d 1224, 1224

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