

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

People v. Drummond

2026 NY Slip Op 02667 (Supreme Court of the State of New York Appellate Division Second Judicial
Department 2026) · No. 2024-01730 · Decided April 29, 2026

SUMMARY

The Appellate Division, Second Department affirmed the defendant's sentence following his guilty plea. The court held that the defendant's valid waiver of the right to appeal precluded review of his claim that the sentence was excessive.

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.; Cheryl E. Chambers, J.; Deborah A. Dowling, J.; Carl J. Landicino, J.; Phillip Hom, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	April 29, 2026
DOCKET	2024-01730
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed, as limited by his motion, from a sentence imposed after his guilty plea, arguing that the sentence was excessive.
STANDARD OF REVIEW	The court did not reach the merits of the excessiveness challenge because the valid waiver of the right to appeal precluded appellate review.
PRECEDENTIAL VALUE	published
PARTIES	Darius Drummond v. The People of the State of New York

TOPICS

appellate procedure

sentencing

criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the defendant's waiver of the right to appeal was valid.
2. Whether the valid waiver of the right to appeal precluded appellate review of the defendant's claim that his sentence was excessive.

HOLDINGS

1. The defendant's contentions challenging the validity of his waiver of the right to appeal were without merit.
2. A valid waiver of the right to appeal precludes appellate review of the defendant's contention that the sentence imposed was excessive.

KEY QUOTATIONS

“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

Darius Drummond pleaded guilty in the Supreme Court, Kings County. The court imposed a sentence on February 16, 2024. Drummond appealed, limited by his motion, arguing that the sentence was excessive, but the appellate court determined that he had validly waived his right to appeal.

PROCEDURAL HISTORY

The Supreme Court, Kings County, imposed sentence on February 16, 2024, after defendant pleaded guilty. Defendant appealed to the Appellate Division, Second Department, challenging the sentence as excessive. The Appellate Division affirmed, holding that defendant's valid waiver of the right to appeal barred review of the excessive-sentence claim.

DISPOSITION

affirmed

CASES CITED

- People v. Lopez, 6 NY3d 248, 255-256
- People v. Annunziata, 246 AD3d 755

OPINION

PER CURIAM.

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2026 NY Slip Op 02667

April 29, 2026

Appellate Division, Second Department

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The People of the State of New York, respondent,

v

Darius Drummond, appellant.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on April 29, 2026

2024-01730, (Ind.

No. 72440/23

Colleen D. Duffy, J.P.

Cheryl E. Chambers

Deborah A. Dowling

Carl J. Landicino

Phillip Hom, JJ.

Patricia Pazner, New York, NY (Tammy E. Linn of counsel; Maris G. Medina on the memorandum), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Avshalom Yotam of counsel; Hannah Thomas on the memorandum), for respondent.

*1

DECISION & ORDER

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Jane C. Tully, J.), imposed February 16, 2024, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

The defendant's contentions regarding the validity of the waiver of the right to appeal are without merit (*see* *People v Lopez*, 6 NY3d 248, 256; *People v Annunziata*, 246 AD3d 755).

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 255-256; *People v Annunziata*, 246 AD3d 755).

DUFFY, J.P., CHAMBERS, DOWLING, LANDICINO and HOM, JJ., concur.

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PER CURIAM.

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This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, respondent, v Darius Drummond, appellant. Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on April 29, 2026 2024-01730, (Ind. No. 72440/23) Colleen D. Duffy, J.P. Cheryl E. Chambers Deborah A. Dowling Carl J. Landicino Phillip Hom, JJ. Patricia Pazner, New York, NY (Tammy E. Linn of counsel; Maris G. Medina on the memorandum), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Avshalom Yotam of counsel; Hannah Thomas on the memorandum), for respondent. [*1] DECISION & ORDER Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Jane C. Tully, J.), imposed February 16, 2024, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed. The defendant's contentions regarding the validity of the waiver of the right to appeal are without merit (see People v Lopez, 6 NY3d 248, 256; People v Annunziata, 246 AD3d 755).

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 255-256; People v Annunziata, 246 AD3d 755). DUFFY, J.P., CHAMBERS, DOWLING, LANDICINO and HOM, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.