

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

People v. Soto

2026 NY Slip Op 00153 (N.Y. Ct. App. 2026) · No. 2023-12199 · Decided January 14, 2026

SUMMARY

The Appellate Division, Second Department, affirmed Miguel Soto’s judgment convicting him, upon his guilty plea, of attempted criminal possession of a weapon in the third degree. The court held that Soto knowingly waived his right to appeal, barring review of his excessive-sentence claim, and that his challenge to the duration of the order of protection was unpreserved.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Lara J. Genovesi, J.; Lourdes M. Ventura, J.; Elena Goldberg Velazquez, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	January 14, 2026
DOCKET	2023-12199
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a judgment of the Supreme Court, Kings County, entered after his guilty plea, conviction for attempted criminal possession of a weapon in the third degree, and sentence.
STANDARD OF REVIEW	Appellate review of an excessive-sentence claim was precluded by a valid waiver of the right to appeal. The challenge to the duration of the order of protection was unpreserved because the defendant had an opportunity to object but did not do so; the court declined to review it in the interest of justice.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Miguel Soto v. The People of the State of New York

TOPICS

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preservation of error

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the defendant's waiver of his right to appeal barred appellate review of his excessive-sentence claim.
2. Whether the defendant preserved his challenge to the duration of the order of protection issued at sentencing.

HOLDINGS

1. The defendant's valid, knowing, voluntary, and intelligent waiver of the right to appeal precluded appellate review of his contention that the sentence was excessive.
2. The defendant's challenge was unpreserved because he had an opportunity to object to the duration of the order of protection at sentencing but declined to do so, and the court declined to reach the issue in the interest of justice.

KEY QUOTATIONS

“The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal” ([*1])

“Therefore, his contention in that regard is unpreserved for appellate review, and we decline to reach it in the exercise of our interest of justice jurisdiction” ([*1])

FACTUAL BACKGROUND

Miguel Soto pleaded guilty to attempted criminal possession of a weapon in the third degree in Supreme Court, Kings County. The court imposed sentence and issued an order of protection, and Soto did not object to the duration of that order at sentencing. The record showed that Soto knowingly, voluntarily, and intelligently waived his right to appeal.

PROCEDURAL HISTORY

The Supreme Court, Kings County, rendered judgment on December 4, 2023, after the defendant pleaded guilty and was sentenced. The Appellate Division affirmed, holding that the defendant validly waived his right to appeal and failed to preserve his challenge to the duration of the order of protection.

DISPOSITION

affirmed

CASES CITED

- People v. Bolton, 235 AD3d 995
- People v. Lowe, 216 AD3d 670
- People v. Lopez, 6 NY3d 248, 256
- People v. Moranski, _____ AD3d _____, 2025 NY Slip Op 06336
- People v. Johnson, 241 AD3d 706, 707
- People v. Person, 233 AD3d 804

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