

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

People v. Cruz

2025 NY Slip Op 06617 (App. Div. 2025) · No. 2025-01706 · Decided November 26, 2025

SUMMARY

The Appellate Division, Second Department, affirmed a judgment convicting Elijah D. Cruz of criminal possession of a weapon in the second degree following his guilty plea. The court held that Cruz knowingly, voluntarily, and intelligently waived his right to appeal, precluding review of the denial of youthful offender treatment and his claims that the sentence was excessive and constituted cruel and unusual punishment.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Hector D. LaSalle, P.J.; William G. Ford, J.; Helen Voutsinas, J.; James P. McCormack, J.
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	November 26, 2025
DOCKET	2025-01706
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal by the defendant from a judgment convicting him, upon his guilty plea, of criminal possession of a weapon in the second degree and imposing sentence.
STANDARD OF REVIEW	The court reviewed whether the defendant knowingly, voluntarily, and intelligently waived the right to appeal and whether that valid waiver barred appellate review of the challenged sentencing matters.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Elijah D. Cruz v. The People of the State of New York

TOPICS

- appellate procedure
- criminal procedure
- sentencing
- cruel and unusual punishment

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

sentencing

QUESTIONS PRESENTED

1. Whether the defendant knowingly, voluntarily, and intelligently waived his right to appeal.
2. Whether a valid waiver of the right to appeal precluded appellate review of the County Court's discretionary refusal to grant youthful offender treatment.
3. Whether a valid waiver of the right to appeal precluded review of claims that the sentence was excessive and constituted cruel and unusual punishment.

HOLDINGS

1. The defendant knowingly, voluntarily, and intelligently waived his right to appeal.
2. The defendant's valid waiver of the right to appeal precluded appellate review of the County Court's discretionary determination to deny youthful offender treatment.
3. The defendant's valid waiver of the right to appeal precluded review of his claims that the sentence was excessive and constituted cruel and unusual punishment.

KEY QUOTATIONS

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

“The defendant's valid waiver of his right to appeal precludes appellate review of the County Court's discretionary determination to decline to grant him youthful offender treatment” ([*1])

FACTUAL BACKGROUND

Elijah D. Cruz pleaded guilty to criminal possession of a weapon in the second degree. The County Court imposed sentence and declined to grant youthful offender treatment. Cruz appealed, arguing that the denial of youthful offender treatment was improper and that his sentence was excessive and constituted cruel and unusual punishment.

PROCEDURAL HISTORY

The County Court, Orange County, rendered a judgment on January 15, 2025, after the defendant pleaded guilty and was sentenced. The defendant appealed, challenging the denial of youthful offender treatment and the sentence. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Gutierrez, 237 AD3d 743, 743-744
- People v. Thomas, 34 NY3d 545, 566-567
- People v. Pacherille, 25 NY3d 1021, 1024
- People v. Mauro, 197 AD3d 502, 503
- People v. Lopez, 6 NY3d 248, 256
- People v. Efferson, 238 AD3d 784, 784

OPINION

PER CURIAM.

People v Cruz (2025 NY Slip Op 06617) People v Cruz 2025 NY Slip Op 06617 Decided on November 26, 2025 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 November 26, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department HECTOR D. LASALLE, P.J. WILLIAM G. FORD HELEN VOUTSINAS JAMES P. MCCORMACK, JJ. 2025-01706 (Ind.

No. 70933/23) [*1]The People of the State of New York, respondent, v Elijah D. Cruz, appellant. Alex Smith, Middletown, NY, for appellant. David M. Hoovler, District Attorney, Goshen, NY (Edward D. Saslaw of counsel), for respondent. DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Orange County (Victoria B. Campbell, J.), rendered January 15, 2025, convicting him of criminal possession of a weapon in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed. The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal (see People v Gutierrez, 237 AD3d 743, 743-744; see also People v Thomas, 34 NY3d 545, 566-567).

The defendant's valid waiver of his right to appeal precludes appellate review of the County Court's discretionary determination to decline to grant him youthful offender treatment (see People v Pacherille, 25 NY3d 1021, 1024; People v Mauro, 197 AD3d 502, 503), as well as the defendant's contentions that the sentence imposed was excessive and constituted cruel and unusual punishment (see People v Lopez, 6 NY3d 248, 256; People v Efferson, 238 AD3d 784, 784).

LASALLE, P.J., FORD, VOUTSINAS and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court