

**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.

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

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