

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

People v. Cardoza

2026 NY Slip Op 01215 · No. 2024-03645 · Decided March 4, 2026

SUMMARY

The New York Appellate Division, Second Department, affirmed Balbino Cardoza's convictions for obstructing governmental administration in the second degree and criminal trespass in the third degree. The court rejected his claims that submission of counts on which he was acquitted violated due process and that he received a harsher sentence for exercising his right to a jury trial.

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.; Cheryl E. Chambers, J.; Paul Wooten, J.; Helen Voutsinas, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	March 4, 2026
DOCKET	2024-03645
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Nassau County, entered after a jury verdict convicting him of obstructing governmental administration in the second degree and criminal trespass in the third degree and imposing sentence.
STANDARD OF REVIEW	The court reviewed whether the indictment counts were supported by legally sufficient evidence, whether submission of acquitted counts violated due process, whether the sentence reflected vindictiveness for exercising the right to trial, and whether the sentence was excessive.
PRECEDENTIAL VALUE	published
PARTIES	Balbino Cardoza v. The People of the State of New York

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QUESTIONS PRESENTED

1. Whether the trial court violated due process by refusing to dismiss indictment counts for which defendant was ultimately acquitted and submitting those counts to the jury.
2. Whether the sentence imposed after trial was punitive or vindictive because it exceeded the sentence offered during plea negotiations.
3. Whether the sentence imposed was excessive.

HOLDINGS

1. The trial court did not violate defendant's due process rights by refusing to dismiss the assault and resisting-arrest counts and submitting them to the jury because legally sufficient evidence supported those counts, and defendant did not show that the jury's consideration of them unfairly burdened him through extraneous considerations.
2. The fact that the sentence imposed after trial exceeded the sentence offered during plea negotiations, standing alone, did not establish that defendant was punished for exercising his right to a jury trial; the record showed no vindictiveness or retribution.
3. The sentence imposed was not excessive.

KEY QUOTATIONS

“'[T]he fact that the sentence imposed after trial was greater than the sentence offered during plea negotiations is not, standing alone, an indication that the defendant was punished for proceeding to trial There is no indication in the record that the sentence is the result of vindictiveness or retribution for the defendant's refusal to accept a plea offer and the exercise of his right to a jury trial'”

“'interjection of extraneous considerations [which] unfairly burdened the defendant'” (524)

FACTUAL BACKGROUND

Defendant was tried on charges including assault in the second degree, resisting arrest, obstructing governmental administration in the second degree, and criminal trespass in the third degree. The jury acquitted him of assault and resisting arrest but convicted him of obstructing governmental administration and criminal trespass. The sentence imposed after trial was greater than the sentence offered during plea negotiations, and the trial court relied in part on a presentence investigative report.

PROCEDURAL HISTORY

The Supreme Court, Nassau County, refused to dismiss indictment counts charging assault in the second degree and resisting arrest, submitted those counts to the jury, and defendant was acquitted of them. The jury convicted

defendant of obstructing governmental administration in the second degree and criminal trespass in the third degree. The trial court imposed sentence, and the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Shorter, 226 AD3d 932
- People v. Alman, 185 AD3d 714, 717
- People v. Paucar, 242 AD3d 1220, 1221
- People v. De Jesus, 42 NY2d 519, 524
- People v. Tyme, 222 AD3d 783, 785
- People v. Matthews, 195 AD3d 864, 866
- People v. Suitte, 90 AD2d 80

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