

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

People v. Youngs

2020 NY Slip Op 02558 (App. Div. 2020) · No. 21 KA 17-00131 · Decided May 1, 2020

SUMMARY

The New York Appellate Division, Fourth Department unanimously affirmed a judgment convicting Daniel K. Youngs upon his guilty plea to rape in the first degree, criminal sexual act in the first degree, and attempted sexual abuse in the first degree. The court held that the defendant's waiver of the right to appeal was unenforceable because the trial court and written waiver mischaracterized the scope of appellate rights, but concluded that the sentence was not unduly harsh or severe.

CASE DETAILS

|                       |                                                                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department                                                                                                  |
| WRITING FOR THE COURT | Peradotto, J.P.; Carni, J.; Curran, J.; Winslow, J.; DeJoseph, J.                                                                                                                       |
| JURISDICTION          | New York                                                                                                                                                                                |
| DECIDED               | May 1, 2020                                                                                                                                                                             |
| DOCKET                | 21 KA 17-00131                                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Defendant appealed from a judgment of the Herkimer County Court entered after his guilty plea and challenging the enforceability of his appeal waiver and the severity of his sentence. |
| STANDARD OF REVIEW    | Whether the sentence is unduly harsh or severe; the court independently reviewed the sentence after determining that the appeal waiver did not bar review.                              |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                               |
| PARTIES               | Daniel K. Youngs v. The People of the State of New York                                                                                                                                 |

TOPICS

- appellate procedure
- criminal procedure
- sentencing
- right to counsel

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether defendant's purported waiver of the right to appeal was enforceable when the trial court and written waiver mischaracterized the scope of appellate rights being relinquished.
2. Whether defendant's sentence was unduly harsh or severe.

## HOLDINGS

1. The purported waiver of defendant's right to appeal was not enforceable because the totality of the circumstances did not establish that defendant understood the nature of the appellate rights being waived.
2. The sentence was not unduly harsh or severe.

## KEY QUOTATIONS

*"We conclude that defendant's purported waiver of the right to appeal is not enforceable inasmuch as the totality of the circumstances fails to reveal that defendant "understood the nature of the appellate rights being waived"" (\*1)*

*"Although the purported waiver of the right to appeal is not enforceable and thus does not preclude our review of defendant's challenge to the severity of his sentence, we nevertheless conclude that the sentence is not unduly harsh or severe." (\*1)*

## FACTUAL BACKGROUND

Defendant pleaded guilty to rape in the first degree, criminal sexual act in the first degree, and attempted sexual abuse in the first degree. During the plea proceedings, the trial court orally described the appeal waiver as eliminating the ability to appeal decisions to a higher court and otherwise characterized it as an absolute bar to an appeal. The written waiver also stated that defendant was waiving the right to appointed appellate counsel and the right to submit a brief and argue issues concerning his sentence and conviction.

## PROCEDURAL HISTORY

The Herkimer County Court convicted defendant upon his guilty plea to rape in the first degree, criminal sexual act in the first degree, and attempted sexual abuse in the first degree, and rendered judgment on January 6, 2017. Defendant appealed to the Appellate Division, Fourth Department. The Appellate Division held that the purported appeal waiver was unenforceable but affirmed the judgment after determining that the sentence was not unduly harsh or severe.

## DISPOSITION

affirmed

## CASES CITED

- People v. Thomas, 2019 NY Slip Op 08545
- People v. Cole, 181 AD3d 1329 (4th Dept. 2020)

#### INSTRUCTIONS FOR AN AI ASSISTANT

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