

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

People v. Robinson

2026 NY Slip Op 01995 (N.Y. Ct. App. 2026) · No. 2023-08958 · Decided April 1, 2026

SUMMARY

The Appellate Division, Second Department affirmed a judgment convicting Dequan Robinson of attempted criminal possession of a weapon in the second degree and sentencing him as a second violent felony offender. The court held that his allegations were insufficient to require a hearing regarding the constitutionality of his prior conviction and declined to review his unpreserved constitutional sentencing challenge.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Department
WRITING FOR THE COURT	Colleen D. Duffy, J.P.; Barry E. Warhit, J.; Lourdes M. Ventura, J.; Lisa S. Ottley, J.
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	April 1, 2026
DOCKET	2023-08958
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Kings County, convicting him upon his guilty plea of attempted criminal possession of a weapon in the second degree and imposing sentence.
STANDARD OF REVIEW	The constitutional sentencing challenge was reviewed for preservation under CPL 470.05(2); the court declined interest-of-justice review.
PRECEDENTIAL VALUE	Published intermediate appellate decision; binding precedent within the applicable New York appellate hierarchy unless later limited or overruled.
PARTIES	Dequan Robinson v. The People of the State of New York

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- preservation of error
- constitutional law

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether defendant was properly sentenced as a second violent felony offender when his vague allegations concerning the constitutional validity of his prior conviction did not warrant a hearing.
2. Whether defendant's constitutional challenge to his second-violent-felony-offender sentence was preserved for appellate review and should nevertheless be reviewed in the interest of justice.

HOLDINGS

1. Defendant was properly sentenced as a second violent felony offender because his vague allegations during the plea proceeding were insufficient to warrant a hearing on whether the prior conviction was unconstitutionally obtained.
2. Defendant's contention that his sentence as a second violent felony offender was unconstitutional under *Erlinger* and *Apprendi* was unpreserved for appellate review, and the court declined to review it in the exercise of its interest-of-justice jurisdiction.

KEY QUOTATIONS

“The defendant's vague allegations during the plea proceeding were insufficient to warrant a hearing on whether his prior conviction was unconstitutionally obtained” ([*1])

FACTUAL BACKGROUND

Robinson pleaded guilty to attempted criminal possession of a weapon in the second degree. The Supreme Court sentenced him as a second violent felony offender based on a prior conviction. During the plea proceeding, Robinson made vague allegations that the prior conviction had been unconstitutionally obtained, and he later argued that the enhanced sentence was unconstitutional under *Erlinger v. United States* and *Apprendi v. New Jersey*.

PROCEDURAL HISTORY

The Supreme Court, Kings County, rendered judgment on September 26, 2023, after defendant pleaded guilty and sentenced him as a second violent felony offender. On appeal, defendant challenged the validity of his predicate conviction and the constitutionality of his enhanced sentence. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- *People v. Konstantinides*, 14 N.Y.3d 1, 15 (2010)
- *People v. Armstrong*, 210 A.D.3d 900, 901 (2d Dep't 2022)

- Erlinger v. United States, 602 U.S. 821 (2024)
- Apprendi v. New Jersey, 530 U.S. 466 (2000)
- People v. Rosen, 96 N.Y.2d 329, 335 (2001)
- People v. Munoz, 237 A.D.3d 1110, 1111 (2d Dep't 2025)
- People v. Austin, 242 A.D.3d 763, 764 (2d Dep't 2025)

OPINION

PER CURIAM.

People v Robinson - 2026 NY Slip Op 01995 [skip to main content](#)

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April 1, 2026

Appellate Division, Second Department

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The People of the State of New York, respondent,

v.

Dequan Robinson, appellant.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on April 1, 2026

2023-08958, (Ind.

No. 74059/22)

Colleen D. Duffy, J.P.

Barry E. Warhit

Lourdes M. Ventura

Lisa S. Ottley, JJ.

Patricia Pazner, New York, NY (Sam Feldman of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Julian Joiris, and Simcha Engelen of counsel), for respondent.

[*1]

DECISION & ORDER

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Phyllis Chu, J.), rendered September 26, 2023, convicting him of attempted criminal possession of a weapon in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, he was properly sentenced as a second violent felony offender (*see* Penal Law § 70.04).

The defendant's vague allegations during the plea proceeding were insufficient to warrant a hearing on whether his prior conviction was unconstitutionally obtained (*see* CPL 400.15[4]; *People v Konstantinides*, 14 NY3d 1, 15; *People v Armstrong*, 210

AD3d 900, 901).

The defendant's contention that his sentence as a second violent felony offender is unconstitutional in light of *Erlinger v United States* (602 US 821) and *Apprendi v New Jersey* (530 US 466) is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Rosen*, 96 NY2d 329, 335; *People v Munoz*, 237 AD3d 1110, 1111).

We decline to review it in the exercise of our interest of justice jurisdiction (*see* *People v Austin*, 242 AD3d 763, 764; *People v Munoz*, 237 AD3d at 1111).

DUFFY, J.P., WARHIT, VENTURA and OTTLEY, JJ., concur.

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Darrell M. Joseph

Clerk of the Court

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