

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

OPINION

PER CURIAM.

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People v Robinson
2026 NY Slip Op 01995
April 1, 2026
Appellate Division, Second Department
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This decision is uncorrected and subject to
revision before publication in the Official Reports.
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).</p> <p>The defendant's contention that his sentence as a second violent felony offender is unconstitutional in light of <i>Erlinger v United States</i> (602 US 821) and <i>Apprendi v New Jersey</i> (530 US 466) is unpreserved for appellate review (<i>see</i> <i>People v Rosen</i>, 96 NY2d 329, 335; <i>People v Munoz</i>, 237 AD3d 1110, 1111).

We decline to review it in the exercise of our interest of justice jurisdiction (<i>see</i> <i>People v Austin</i>, 242 AD3d 763, 764; <i>People v Munoz</i>, 237 AD3d at 1111).</p> <p>DUFFY, J.P., WARHIT, VENTURA and OTTLEY, JJ., concur.</p> <p>ENTER:</p> <p>Darrell M. Joseph</p> <p>Clerk of the Court</p> </div> <div> <footer> <div> <p>Court Decisions</p> All Court Decisions Official Reports Service Bound Volumes Decision Search </div> <div> <p>Resources</p> RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index </div> <div> <p>About</p> About the Law Reporting Bureau About our Operations Contact Us Twitter </div> <div> <p>Quick Contact Info</p> <p>17 Lodge Street</p> <p>Albany, NY 12207</p> <p>Phone: (518) 453-6900</p> </div> </footer> </div> <div> <p>Links to or from other sites do not signify endorsement or relationship with them.</p> </div> </div>