

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

People v. Harris

Harris, 2026 NY Slip Op 01530 (Supreme Court of the State of New York Appellate Division Second Judicial Department 2026) · No. 2023-08324 · Decided March 18, 2026

SUMMARY

The Appellate Division, Second Department, affirmed the defendant's judgment of conviction for attempted criminal possession of a weapon in the second degree following his guilty plea. The court held that his challenges to the plea were unpreserved and meritless, concluded that the sentence was legal, and found that his remaining sentencing claims were waived by his valid appeal waiver.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Colleen D. Duffy, J.P.; Paul Wooten, J.; Laurence L. Love, J.; Susan Quirk, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	March 18, 2026
DOCKET	2023-08324
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a judgment of the County Court, Suffolk County, convicting him upon his plea of guilty of attempted criminal possession of a weapon in the second degree and imposing sentence.
PRECEDENTIAL VALUE	Published
PARTIES	Darrell D. Harris v. The People of the State of New York

TOPICS

- criminal procedure
- appellate procedure
- preservation of error
- sentencing
- plea bargaining

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the defendant's challenges to his guilty plea were preserved for appellate review or otherwise meritorious.
2. Whether the sentence imposed was legally permissible.
3. Whether the defendant's remaining sentencing claims were barred by his valid waiver of the right to appeal.

HOLDINGS

1. The defendant's contentions regarding his guilty plea were unpreserved for appellate review and, in any event, were without merit.
2. The sentence imposed was legal.
3. The defendant's remaining contentions regarding the sentence were waived by his valid waiver of the right to appeal.

KEY QUOTATIONS

*“The defendant's contentions regarding his plea of guilty are unpreserved for appellate review and, in any event, without merit” (*1)*

*“Contrary to the defendant's contention, the sentence imposed was legal” (*1)*

*“His remaining contentions regarding the sentence are waived by his valid waiver of the right to appeal” (*1)*

FACTUAL BACKGROUND

The defendant pleaded guilty to attempted criminal possession of a weapon in the second degree under Penal Law §§ 110.00 and 265.03. The County Court sentenced him as a second violent felony offender. On appeal, he challenged aspects of his guilty plea and sentence, but the Appellate Division affirmed the judgment.

PROCEDURAL HISTORY

The County Court, Suffolk County, rendered judgment on August 21, 2023, after the defendant pleaded guilty to attempted criminal possession of a weapon in the second degree and was sentenced as a second violent felony offender. The defendant appealed to the Appellate Division, Second Department, which affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Sharlow, 116 AD2d 603, 604
- People v. Jackson, 153 AD3d 726
- People v. Dancy, 177 AD3d 995

OPINION

People v. Harris 2026 NY Slip Op 01530

PER CURIAM.

People v Harris (2026 NY Slip Op 01530) People v Harris 2026 NY Slip Op 01530 Decided on March 18, 2026 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 March 18, 2026

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Second Judicial Department COLLEEN D. DUFFY, J.P.

PAUL WOOTEN

LAURENCE L. LOVE

SUSAN QUIRK, JJ. 2023-08324

[*1]The People of the State of New York, respondent, v Darrell D. Harris, appellant. (S.C.I. No. 71932/23) Sabato Caponi, Bohemia, NY, for appellant. Raymond A. Tierney, District Attorney, Riverhead, NY (Michelle E. Haddad of counsel), for respondent. DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Suffolk County (Anthony Senft, Jr., J.), rendered August 21, 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. The defendant was convicted, upon his plea of guilty, of attempted criminal possession of a weapon in the second degree (Penal Law §§ 110.00, 265.03) and sentenced as a second violent felony offender. The defendant's contentions regarding his plea of guilty are unpreserved for appellate review and, in any event, without merit (see CPL 220.60[3]; 440.10; 470.05[2]; People v Sharlow , 116 AD2d 603, 604). Contrary to the defendant's contention, the sentence imposed was legal (see People v Jackson , 153 AD3d 726). His remaining contentions regarding the sentence are waived by his valid waiver of the right to appeal (see People v Dancy , 177 AD3d 995). DUFFY, J.P., WOOTEN, LOVE and QUIRK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court