

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

People of the State of New York v. Daeshon Futrell

2026 NY Slip Op 00149 (Appellate Division of the Supreme Court of the State of New York Second Judicial Department 2026) · No. 2023-04066 · Decided January 14, 2026

SUMMARY

The Appellate Division, Second Department affirmed the defendant's judgment of conviction for assault in the second degree following his guilty plea. The court held that the defendant's waiver of the right to appeal was knowing, voluntary, and intelligent, and that it precluded review of his excessive-sentence claim.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Judicial Department
WRITING FOR THE COURT	Angela G. Iannacci, J.P.; Paul Wooten, J.; Deborah A. Dowling, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	January 14, 2026
DOCKET	2023-04066
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Dutchess County Court convicting him, upon his guilty plea, of assault in the second degree and imposing sentence.
STANDARD OF REVIEW	The validity of the appeal waiver was assessed under the totality of the circumstances, including the explanation of the right to appeal and the defendant's age, experience, and background.
PRECEDENTIAL VALUE	Published intermediate appellate opinion
PARTIES	Daeshon Futrell v. The People of the State of New York

TOPICS

- appellate procedure
- plea bargaining
- sentencing
- criminal procedure

PRACTICE AREAS

criminal procedure

criminal appeals

plea agreements

sentencing

QUESTIONS PRESENTED

1. Whether the defendant's waiver of the right to appeal was valid when much of the waiver discussion occurred after he admitted guilt.
2. Whether the valid appeal waiver precluded appellate review of the defendant's contention that his sentence was excessive.

HOLDINGS

1. The defendant's waiver of the right to appeal was valid because he acknowledged twice, before pleading guilty and admitting guilt, that the waiver was a condition of the plea agreement, and the totality of the circumstances showed that the waiver was knowing, voluntary, and intelligent.
2. The defendant's valid waiver of the right to appeal precluded appellate review of his contention that the sentence imposed was excessive.

KEY QUOTATIONS

“Under the totality of the circumstances, including the thorough explanation of the right to appeal provided to the defendant and the defendant's age, experience, and background, the waiver was knowing, voluntary, and intelligent” ([*1])

FACTUAL BACKGROUND

Daeshon Futrell pleaded guilty to assault in the second degree pursuant to a plea agreement that included a waiver of the right to appeal. Before pleading guilty and admitting his guilt, he twice acknowledged that the appeal waiver was a condition of the plea agreement. The County Court explained the right to appeal thoroughly and imposed sentence.

PROCEDURAL HISTORY

The Dutchess County Court rendered judgment on March 24, 2023, after defendant pleaded guilty to assault in the second degree and was sentenced. Defendant appealed, arguing that his waiver of the right to appeal was invalid and that his sentence was excessive. The Appellate Division affirmed the judgment, holding that the waiver was valid and precluded review of the excessive-sentence claim.

DISPOSITION

affirmed

CASES CITED

- People v. Sutton, 184 AD3d 236, 245
- People v. Sobers, 235 AD3d 908, 909

- People v. Victor, 235 AD3d 783, 784
- People v. White, 234 AD3d 884, 885
- People v. Lopez, 6 NY3d 248, 255-256

OPINION

PER CURIAM.

People v Futrell (2026 NY Slip Op 00149) People v Futrell 2026 NY Slip Op 00149 Decided on January 14, 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 January 14, 2026 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department ANGELA G. IANNACCI, J.P.

PAUL WOOTEN DEBORAH A. DOWLING JAMES P. MCCORMACK, JJ. 2023-04066 [*1]The People of the State of New York, respondent, v Daeshon Futrell, appellant. (S.C.I. No. 70081/23) Margaret W. Walker, Poughkeepsie, NY (Lauren A. Jaeb of counsel), for appellant. Anthony P. Parisi, District Attorney, Poughkeepsie, NY (Kirsten A. Rappleyea of counsel), for respondent. DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Dutchess County (Edward T. McLoughlin, J.), rendered March 24, 2023, convicting him of assault in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed. Contrary to the defendant's contention, his waiver of the right to appeal was valid. Although much of the discussion of the waiver of the right to appeal took place after the defendant had admitted his guilt, the defendant twice acknowledged that an appeal waiver was a condition of the plea agreement prior to his plea of guilty and admission of guilt.

Thus, it cannot be said that the defendant "received no material benefit from his appeal waiver," or that the appeal waiver "was a gratuitous, after-the-fact additional demand asserted after the bargain had already been struck" (People v Sutton, 184 AD3d 236, 245; see People v Sobers, 235 AD3d 908, 909; People v Victor, 235 AD3d 783, 784; People v White, 234 AD3d 884, 885).

Under the totality of the circumstances, including the thorough explanation of the right to appeal provided to the defendant and the defendant's age, experience, and background, the waiver was knowing, voluntary, and intelligent (see People v Sobers, 235 AD3d at 909; People v Victor, 235 AD3d at 784; People v White, 234 AD3d at 885).

The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive (see People v Lopez, 6 NY3d 248, 255-256).

IANNACCI, J.P., WOOTEN, DOWLING and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court

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