

**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.

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