

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

People v. Lowman

2026 NY Slip Op 00326 (N.Y. Ct. App. 2026) · No. Ind. No. 1246/21; Appeal No. 5676; Case No. 2022-00851 ·
Decided January 27, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed Benjamin Lowman's conviction and sentence for aggravated driving while intoxicated as a felony. The court held that his challenge to the plea allocation and the lack of arraignment on the special information was unpreserved, declined interest-of-justice review, and alternatively rejected the challenge on the merits.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Webber, J.P.; Gesmer, J.; Higgitt, J.; Michael, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	January 27, 2026
DOCKET	Ind. No. 1246/21; Appeal No. 5676; Case No. 2022-00851
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, New York County, convicting him upon his guilty plea of aggravated driving while intoxicated as a felony and sentencing him to five days in jail and a three-year conditional discharge.
STANDARD OF REVIEW	Unpreserved claim reviewed, if at all, in the interest of justice; plea-validity claim alternatively reviewed on the merits.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion; precedential within the First Department subject to subsequent appellate treatment.
PARTIES	Benjamin Lowman, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

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

PRACTICE AREAS

criminal law

criminal procedure

DWI/DUI

QUESTIONS PRESENTED

1. Whether defendant's challenge to the validity of his guilty plea was preserved where the trial court did not allocute him on the predicate conviction or arraign him on the special information.
2. Whether the guilty plea was invalid because the court did not address the predicate conviction during the plea colloquy.
3. Whether the trial court was required to arraign defendant on the special information in the context of a guilty plea.

HOLDINGS

1. Defendant's contention that his guilty plea was invalid because the court failed to address the predicate conviction and failed to arraign him on the special information was unpreserved, and the court declined to review it in the interest of justice.
2. The guilty plea was knowing, intelligent, and voluntary even though the court did not address defendant's predicate offense during the plea colloquy.
3. The trial court was not required to arraign defendant on the special information because CPL 200.60(3) is, by its terms, inapplicable in the context of a guilty plea.

KEY QUOTATIONS

"is by its terms inapplicable in the context of a guilty plea" (226 AD3d at 489)

FACTUAL BACKGROUND

Benjamin Lowman pleaded guilty to aggravated driving while intoxicated as a felony based on a prior conviction. During the plea colloquy, the court did not specifically address the predicate offense and did not arraign defendant on the special information. The special information accompanying the indictment identified the prior conviction and sufficiently informed defendant that he was pleading guilty to an elevated felony charge.

PROCEDURAL HISTORY

The Supreme Court, New York County, rendered judgment on February 22, 2022, after defendant pleaded guilty to operating a motor vehicle while under the influence of alcohol or drugs under Vehicle and Traffic Law § 1192(2-a). The prior conviction elevated the charge to a felony. On appeal, defendant argued that his plea was invalid because the court did not allocute him regarding the predicate conviction or arraign him on the special information. The Appellate Division held the claim unpreserved, declined interest-of-justice review, rejected the claim alternatively on the merits, and unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Gibson, 226 AD3d 488 (1st Dep't 2024)
- People v. Mayes, 226 AD3d 460 (1st Dep't 2024), lv denied, 42 NY3d 928 (2024)
- People v. Sanchez, 55 AD3d 460, 460 (1st Dep't 2008), lv denied, 11 NY3d 930 (2009)

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