

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

People v. Kiriakos

2025 NY Slip Op 07408 (Supreme Court of the State of New York Appellate Division Second Judicial
Department 2025) · No. 2019-05508 · Decided December 31, 2025

SUMMARY

The New York Supreme Court, Appellate Division, Second Department, affirmed a judgment convicting Faddy I. Kiriakos of criminal mischief in the fourth degree and resisting arrest following his guilty plea. The court held that his challenge to the validity of the plea was unpreserved and, in any event, that the record demonstrated the plea was entered intelligently, knowingly, and voluntarily.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Mark C. Dillon, J.P.; Angela G. Iannacci, J.; Deborah A. Dowling, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	December 31, 2025
DOCKET	2019-05508
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a County Court judgment convicting him, upon his plea of guilty, of criminal mischief in the fourth degree and resisting arrest and imposing sentence.
STANDARD OF REVIEW	The challenge to the validity of the guilty plea was reviewed for preservation and, alternatively, on the record for whether the plea was entered intelligently, knowingly, and voluntarily.
PRECEDENTIAL VALUE	Published
PARTIES	Faddy I. Kiriakos v. The People of the State of New York

TOPICS

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

PRACTICE AREAS

criminal procedure

appellate procedure

guilty pleas

QUESTIONS PRESENTED

1. Whether defendant preserved his challenge to the validity of his guilty plea for appellate review.
2. Whether, notwithstanding the lack of preservation, the record demonstrated that defendant entered his guilty plea intelligently, knowingly, and voluntarily.

HOLDINGS

1. A defendant's challenge to the validity of a guilty plea is unpreserved for appellate review when the defendant neither moves to withdraw the plea nor otherwise objects to its entry before sentencing.
2. The record as a whole demonstrated that defendant entered his guilty plea intelligently, knowingly, and voluntarily.

KEY QUOTATIONS

*"In any event, the record as a whole demonstrates that the defendant entered his plea intelligently, knowingly, and voluntarily" ([*1])*

FACTUAL BACKGROUND

Defendant pleaded guilty to criminal mischief in the fourth degree and resisting arrest. He did not move to withdraw his plea or otherwise object to its entry before the County Court imposed sentence.

PROCEDURAL HISTORY

The County Court, Westchester County, rendered judgment on April 8, 2019, after defendant pleaded guilty to criminal mischief in the fourth degree and resisting arrest. Defendant appealed, challenging the validity of his guilty plea. The Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Williams, 27 NY3d 212, 214
- People v. Umanzor, 236 AD3d 1069
- People v. Conceicao, 26 NY3d 375, 382-384

OPINION

People v. Kiriakos 2025 NY Slip Op 07408

PER CURIAM.

People v Kiriakos (2025 NY Slip Op 07408) People v Kiriakos 2025 NY Slip Op 07408 Decided on December 31, 2025 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 December 31, 2025

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Second Judicial Department MARK C. DILLON, J.P.

ANGELA G. IANNACCI

DEBORAH A. DOWLING

JAMES P. MCCORMACK, JJ. 2019-05508

[*1]The People of the State of New York, respondent, v Faddy I. Kiriakos, appellant. (S.C.I. No. 905/17) Lisa H. Blitman, New York, NY, for appellant. Susan Cacace, District Attorney, White Plains, NY (Raffaelina Gianfrancesco and Jill Oziemblewski of counsel), for respondent. DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Westchester County (Michael A. Martinelli, J.), rendered April 8, 2019, convicting him of criminal mischief in the fourth degree and resisting arrest, upon his plea of guilty, and imposing sentence. ORDERED that the judgment is affirmed. The defendant's challenge to the validity of his plea of guilty is unpreserved for appellate review because the defendant did not move to withdraw his plea or otherwise object to its entry prior to the County Court imposing sentence (see People v Williams , 27 NY3d 212, 214; People v Umanzor , 236 AD3d 1069). In any event, the record as a whole demonstrates that the defendant entered his plea intelligently, knowingly, and voluntarily (see generally People v Conceicao , 26 NY3d 375, 382-384). DILLON, J.P., IANNACCI, DOWLING and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court PER CURIAM.

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