

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

People v. Rountree

2026 NY Slip Op 02135 · No. 2023-05354 · Decided April 8, 2026

SUMMARY

The Appellate Division, Second Department, affirmed Brandon Rountree's sentence imposed after his guilty plea. The court held that he did not validly waive his right to appeal the excessiveness of his sentence, but concluded that the sentence was not excessive.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Angela G. Iannacci, J.P.; Paul Wooten; Lillian Wan; Donna-Marie E. Golia; Lisa S. Ottley
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	April 8, 2026
DOCKET	2023-05354
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a sentence imposed following his guilty plea, arguing that the sentence was excessive. The appeal was limited by defendant's motion.
STANDARD OF REVIEW	The Appellate Division reviewed whether the sentence was excessive.
PRECEDENTIAL VALUE	Published
PARTIES	Brandon Rountree v. The People of the State of New York

TOPICS

- sentencing
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice
- sentencing

QUESTIONS PRESENTED

- 1. Whether defendant validly waived his right to appeal the excessiveness of his sentence.
- 2. Whether the sentence imposed following defendant's guilty plea was excessive.

HOLDINGS

- 1. Defendant did not validly waive his right to appeal the excessiveness of his sentence because the plea court expressly excluded that challenge from the scope of the appeal waiver.
- 2. The sentence imposed was not excessive.

KEY QUOTATIONS

“Nevertheless, the sentence imposed was not excessive” (*1)

FACTUAL BACKGROUND

Brandon Rountree pleaded guilty in the Supreme Court, Queens County. The court imposed a sentence on May 8, 2023. During the plea allocution, the court advised Rountree that his waiver of the right to appeal did not include a challenge to the excessiveness of his sentence.

PROCEDURAL HISTORY

The Supreme Court, Queens County, imposed the challenged sentence on May 8, 2023, after defendant pleaded guilty. Defendant appealed to the Appellate Division, Second Department. The Appellate Division held that defendant had not validly waived appellate review of sentence excessiveness but affirmed the sentence on the merits.

DISPOSITION

affirmed

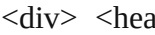
CASES CITED

- People v. Arriaza-Ortega, 216 A.D.3d 1175, 1175
- People v. Moye, 164 A.D.3d 698, 698
- People v. Suitte, 90 A.D.2d 80

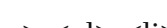
OPINION

PER CURIAM.

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2026 NY Slip Op 02135

April 8, 2026

Appellate Division, Second Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

The People of the State of New York, respondent,

v

Brandon Rountree, appellant.

Patricia Pazner, New York, NY (Russ Altman-Merino of counsel), for appellant.

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on April 8, 2026

2023-05354, (Ind. No. 71252/22)

Angela G. Iannacci, J.P.

Paul Wooten

Lillian Wan

Donna-Marie E. Golia

Lisa S. Ottley, JJ.

Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill and Nancy Fitzpatrick Talcott of counsel; Dallas S. Droz on the memorandum), for respondent.

DECISION & ORDER

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (David J. Kirschner, J.), imposed May 8, 2023, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

Contrary to the People's contention, the defendant did not validly waive his right to appeal the excessiveness of the sentence imposed (*see* *People v Arriaza-Ortega*, 216 AD3d 1175, 1175; *People v Moyer*, 164 AD3d 698, 698).

During the plea allocation, the Supreme Court expressly excluded a challenge to the excessiveness of the sentence imposed from the challenges foreclosed by the waiver of the right to appeal by telling the defendant that he was giving up his right to appeal, with the exception of challenging the excessiveness of his sentence (*see* *People v Moya*, 164 AD3d at 698).

Nevertheless, the sentence imposed was not excessive (*see* *People v Suite*, 90 AD2d 80).

IANNACCI, J.P., WOOTEN, WAN, GOLIA and OTTLEY, JJ., concur.

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