

**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

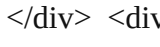
OPINION

People v. Rountree 2026 NY Slip Op 02135

PER CURIAM.

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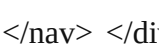
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People v Rountree

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 Moye*, 164 AD3d 698, 698). During the plea allocution, 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

