

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

People v Durant

2026 NY Slip Op 01219 · No. 2024-00588 · Decided March 4, 2026

SUMMARY

The Appellate Division, Second Department affirmed Muntaquim Durant's sentence following his guilty plea. The court held that his valid, knowing, voluntary, and intelligent waiver of the right to appeal precluded review of his claim that the sentence was excessive.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Per Curiam; Colleen D. Duffy, J.P.; Lara J. Genovesi, J.; William G. Ford, J.; Janice A. Taylor, J.; James P. McCormack, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Department
DECIDED	March 4, 2026
DOCKET	2024-00588
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a sentence imposed after the defendant pleaded guilty, limited to the claim that the sentence was excessive.
STANDARD OF REVIEW	A valid waiver of the right to appeal precludes appellate review of a claim that the sentence was excessive.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Muntaquim Durant v. The People of the State of New York

TOPICS

sentencing

appellate procedure

criminal procedure

PRACTICE AREAS

Criminal procedure

Sentencing

Appellate procedure

QUESTIONS PRESENTED

1. Whether the defendant's waiver of the right to appeal was knowing, voluntary, and intelligent.
2. Whether the defendant could obtain appellate review of his excessive-sentence claim despite that waiver.

HOLDINGS

1. The defendant knowingly, voluntarily, and intelligently waived his right to appeal.
2. A valid waiver of the right to appeal precludes appellate review of the defendant's contention that the sentence imposed was excessive.

KEY QUOTATIONS

“The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive” ([*1])

FACTUAL BACKGROUND

Muntaquim Durant pleaded guilty in the Supreme Court, Kings County. On December 18, 2023, the court imposed sentence, and Durant appealed on the ground that the sentence was excessive.

PROCEDURAL HISTORY

The Supreme Court, Kings County, imposed sentence on December 18, 2023, following the defendant's guilty plea. The defendant appealed, challenging the sentence as excessive; the Appellate Division affirmed.

DISPOSITION

affirmed

CASES CITED

- People v Thomas, 34 NY3d 545
- People v Lopez, 6 NY3d 248, 255

OPINION

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PER CURIAM.

People v Durant (2026 NY Slip Op 01219) People v Durant 2026 NY Slip Op 01219 Decided on March 4, 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 March 4, 2026

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Second Judicial Department COLLEEN D. DUFFY, J.P.

LARA J. GENOVESI

WILLIAM G. FORD

JANICE A. TAYLOR

JAMES P. MCCORMACK, JJ. 2024-00588

(Ind. No. 72021/23) [*1]The People of the State of New York, respondent, v Muntaquim Durant, appellant. Patricia Pazner, New York, NY (Victoria L. Benton of counsel), for appellant. Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Jordan Cerruti of counsel; Caleb Otero on the memorandum), for respondent. DECISION & ORDER Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Raymond L. Rodriguez, J.), imposed December 18, 2023, upon his plea of guilty, on the ground that the sentence was excessive. ORDERED that the sentence is affirmed. The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal (see People v Thomas , 34 NY3d 545). 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). DUFFY, J.P., GENOVESI, FORD, TAYLOR and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court