

NEW YORK COURT OF APPEALS

People v. Alexander

97 N.Y.2d 482, 769 N.E.2d 802, 743 N.Y.S.2d 45 (2002) · Decided March 21, 2002

SUMMARY

The New York Court of Appeals held that the trial court did not abuse its discretion in denying Bart Alexander's motion to withdraw an Alford guilty plea to first-degree criminal contempt. The majority concluded that the record supported the voluntariness and competency of the plea and that the victim's reluctance to pursue the charges did not justify withdrawal. Judge Smith dissented, asserting that the court should have assessed the defendant's competency at the time of the plea and required some factual basis for the Alford plea.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Rosenblatt, J.; Kaye, C.J.; Levine, J.; Ciparick, J.; Wesley, J.; Graffeo, J.; Smith, J.
JURISDICTION	New York
DECIDED	March 21, 2002
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an Appellate Division order affirming his conviction after Supreme Court denied his motion to withdraw an Alford guilty plea before sentencing.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	published precedential opinion of the New York Court of Appeals
PARTIES	Bart Alexander v. The People of the State of New York

TOPICS

- plea bargaining
- criminal procedure
- due process
- fourteenth amendment
- mens rea

PRACTICE AREAS

- criminal law
- criminal procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether Supreme Court abused its discretion by denying Alexander's motion to withdraw his guilty plea before sentencing based on alleged incompetency, confusion, and claims of innocence.
2. Whether the victim's reluctance to proceed with the charges constituted a sufficient change in circumstances to justify withdrawal of the guilty plea.
3. Whether Alexander's Alford plea could be attacked because he maintained his innocence.

HOLDINGS

1. A trial court has discretion under CPL 220.60(3) to permit withdrawal of a guilty plea before sentencing, and withdrawal is not warranted merely because the defendant asks to withdraw the plea or later asserts unsupported claims of innocence, illness, confusion, or incompetency. On this record, Supreme Court did not abuse its discretion in denying the motion.
2. A defendant's protestations of innocence do not by themselves provide a basis to withdraw an Alford plea because an Alford plea permits a defendant to plead guilty without admitting culpability while maintaining innocence.
3. A victim's reluctance to proceed with a charge is not a sufficient basis to justify withdrawal of a guilty plea.

KEY QUOTATIONS

“Trial judges are vested with discretion in deciding plea withdrawal motions because they are best able to determine whether a plea is entered voluntarily, knowingly and intelligently.” (484)

“It follows that a motion to withdraw a guilty plea will not be granted merely for the asking” (484)

“A victim's reluctance to go forward with a charge is not a sufficient basis to justify the withdrawal of a guilty plea.” (487)

FACTUAL BACKGROUND

Alexander was indicted for physically abusing his girlfriend on separate occasions and for violating an order of protection. Represented by counsel, he entered an Alford plea to first-degree criminal contempt in satisfaction of the indictment. Before sentencing, he sought to withdraw the plea, asserting that he had been mentally incompetent, had not taken his medication, was innocent, lacked the physical ability to commit some of the alleged acts, and that the victim no longer wished to pursue the charges. Two psychiatrists found him fit to proceed and not psychotic or cognitively impaired.

PROCEDURAL HISTORY

Alexander was indicted on multiple charges arising from alleged physical abuse of his girlfriend and violation of an order of protection. He pleaded guilty under North Carolina v. Alford to first-degree criminal contempt in satisfaction of the indictment. Before sentencing, he moved to withdraw the plea based on alleged incompetency, later adding claims of innocence, factual mistake, and the victim's reluctance to proceed. Supreme Court denied the motion twice, and the Appellate Division affirmed; the Court of Appeals affirmed the Appellate Division.

DISPOSITION

affirmed

CASES CITED

- North Carolina v. Alford, 400 U.S. 25 (1970)
- People v. Taylor, 65 N.Y.2d 1, 5 (1985)
- People v. Frederick, 45 N.Y.2d 520, 525 (1978)
- People v. Dixon, 29 N.Y.2d 55, 56-57 (1971)
- People v. Feliciano, 53 N.Y.2d 645 (1981)
- People v. Englese, 7 N.Y.2d 83 (1959)
- People v. Nettles, 30 N.Y.2d 841, 842 (1972)
- People v. Green, 75 N.Y.2d 902 (1990)
- Matter of Silmon v. Travis, 95 N.Y.2d 470, 475 (2000)
- United States v. Riascos-Suarez, 73 F.3d 616, 622 (6th Cir. 1996)
- People v. Armlin, 37 N.Y.2d 167 (1975)
- Cancemi v. People, 18 N.Y. 128, 138 (1858)
- People v. Patterson, 39 N.Y.2d 288, 295 (1976), *aff'd*, 432 U.S. 197 (1977)
- People v. McLucas, 15 N.Y.2d 167 (1965)
- People v. Ermo, 47 N.Y.2d 863 (1979)
- People v. Ramos, 63 N.Y.2d 640 (1984)
- People v. Billingsley, 54 N.Y.2d 960 (1981)
- People v. Da Forno, 53 N.Y.2d 1006 (1981)
- People v. Mason, 48 N.Y.2d 896 (1979)
- People v. Cataldo, 39 N.Y.2d 578 (1976)

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