

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

People v. Lorentzos

2026 NY Slip Op 03741 (N.Y. Ct. App. 2026) · No. Appeal No. 6872; Case No. 2020-00399; Ind. No. 4439/15 ·
Decided June 11, 2026

SUMMARY

The Appellate Division, First Department affirmed Alexandros Lorentzos's convictions for second-degree murder and first-degree robbery, while vacating the surcharge and fees imposed at sentencing. The court rejected challenges concerning invocation of the right to counsel, prosecutorial statements, the weight of the evidence, the felony-murder affirmative defense, and the unanimity instruction.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Manzanet-Daniels, J.P.; González, J.; Higgitt, J.; Michael, J.; Chan, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	June 11, 2026
DOCKET	Appeal No. 6872; Case No. 2020-00399; Ind. No. 4439/15
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, New York County, entered after a jury trial, convicting him of murder in the second degree and robbery in the first degree and imposing concurrent prison sentences.
STANDARD OF REVIEW	Preserved legal claims were reviewed under the applicable constitutional and statutory standards; unpreserved claims were reviewed only in the interest of justice. The weight-of-the-evidence claim was reviewed by independently assessing the evidence while giving appropriate deference to the jury's credibility determinations. The sentencing surcharge and fees were vacated under the court's interest-of-justice powers.
PRECEDENTIAL VALUE	Published New York Appellate Division opinion; precedential status is subject to any later correction or revision for the Official Reports.

PARTIES

Alexandros Lorentzos v. The People of the State of New York

TOPICS

criminal procedure

right to counsel

preservation of error

jury instructions

sentencing

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether defendant unequivocally invoked his right to counsel during videotaped questioning.
2. Whether the prosecutor was required under the circumstances to advise defendant that he should obtain counsel.
3. Whether defendant preserved his challenge to the prosecutor's statements during the pretrial interview.
4. Whether the verdict was against the weight of the evidence and whether the jury properly rejected defendant's felony-murder affirmative defense.
5. Whether the challenge to the jury instruction requiring unanimity to reject the affirmative defense was preserved and, if not, whether reversal was warranted in the interest of justice.
6. Whether the sentencing surcharge and fees should be vacated.

HOLDINGS

1. Defendant did not unequivocally invoke his right to counsel by asking whether he should have a lawyer present for the questioning.
2. The court rejected on the merits defendant's unpreserved argument that the prosecutor was required under these circumstances to advise him that he should obtain counsel.
3. The challenge was unpreserved, and the court declined to review it in the interest of justice.
4. The verdict was not against the weight of the evidence, and the jury properly rejected defendant's felony-murder affirmative defense.
5. The instructional challenge was unpreserved, and, alternatively, the instruction sufficiently conveyed that unanimity was required for the jury to reject the affirmative defense; therefore, reversal was unwarranted.
6. The surcharge and fees were vacated in the interest of justice, and the remainder of defendant's sentence was not reduced.

KEY QUOTATIONS

*"Defendant did not unequivocally invoke his right to counsel during the videotaped questioning with the prosecutor, as he only asked if he should have a lawyer present for the questioning." (*1)*

*“Based on our own interest of justice powers, we vacate the surcharge and fees imposed on defendant at sentencing.” (*2)*

FACTUAL BACKGROUND

During videotaped questioning with a prosecutor, defendant asked whether he should have a lawyer present, but did not unequivocally state that he wanted counsel or indicate that he wished to retain counsel. In a separate pretrial interview, the prosecutor made statements implying that defendant was not being forthcoming about the victim's robbery and death. Defendant was convicted of felony murder and robbery, and the jury rejected his affirmative defense based on his claimed lack of reasonable grounds to believe his accomplice would be armed or would engage in conduct likely to cause death.

PROCEDURAL HISTORY

Supreme Court conducted a suppression hearing, followed by defendant's jury trial and sentencing. The court entered judgment on November 6, 2019. On appeal, defendant challenged the admission or circumstances of his videotaped questioning, the prosecutor's statements during a pretrial interview, the weight of the evidence, the rejection of his felony-murder affirmative defense, the unanimity instruction concerning that defense, and his sentence. The Appellate Division modified the judgment solely to vacate the surcharge and fees and otherwise affirmed.

DISPOSITION

other

CASES CITED

- Davis v. United States, 512 U.S. 452, 459 (1994)
- People v. Glover, 87 N.Y.2d 838, 839 (1995)
- People v. Cutts, 133 A.D.3d 544, 545 (1st Dep't 2015), lv. denied, 26 N.Y.3d 1144 (2016)
- People v. Ferrer, 154 A.D.3d 519, 520 (1st Dep't 2017), lv. denied, 30 N.Y.3d 1104 (2018)
- People v. Danielson, 9 N.Y.3d 342, 348-349 (2007)
- People v. Baque, 43 N.Y.3d 26 (2024)
- People v. Ocasio, 12 A.D.3d 621, 622 (2d Dep't 2004), lv. denied, 4 N.Y.3d 766 (2005)
- People v. Alejandro, 127 A.D.3d 434, 434 (1st Dep't 2015), lv. denied, 26 N.Y.3d 1142 (2016)
- People v. Parra, 58 A.D.3d 479, 480 (1st Dep't 2009), lv. denied, 12 N.Y.3d 820 (2009)
- People v. Chirinos, 190 A.D.3d 434, 435 (1st Dep't 2021)

OPINION

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PER CURIAM.

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J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v Lorentzos 2026 NY Slip Op 03741 June 11, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, Respondent, v Alexandros Lorentzos, Defendant-Appellant. Decided and Entered: June 11, 2026 Ind No. 4439/15|Appeal No. 6872|Case No. 2020-00399| Before: Manzanet-Daniels, J.P., González, Higgitt, Michael, Chan, JJ. White and Case LLP, New York and Jenay Nurse Guilford, Center for Appellate Litigation, New York (Mark W. Zeno of counsel), and for appellant. Alvin L. Bragg, Jr., District Attorney, New York (Jared Wolkowitz of counsel), for respondent. [*1] Judgment, Supreme Court, New York County (Laura Ward, J., at suppression hearing; Althea Drysdale, J. at trial and sentencing), rendered November 6, 2019, convicting defendant, after a jury trial, of murder in the second degree and robbery in the first degree, and sentencing him to concurrent terms of 18 years to life on the felony murder count and eight years on the robbery count, unanimously modified, as a matter of discretion in the interest of justice, to vacate the surcharge and fees imposed at sentencing, and otherwise affirmed. Defendant did not unequivocally invoke his right to counsel during the videotaped questioning with the prosecutor, as he only asked if he should have a lawyer present for the questioning. At that point, the prosecutor re-explained that he had a right to an attorney and that it was up to him if he wanted one (see Davis v United States , 512 US 452, 459 [1994]; People v Glover , 87 NY2d 838, 839 [1995]; People v Cutts , 133 AD3d 544 , 545 [1st Dept 2015], lv denied 26 NY3d 1144 [2016]). Defendant did not indicate that he wished to retain counsel. Moreover, we reject defendant's unpreserved argument on the merits that the prosecutor, under these circumstances, was required to advise defendant that he should obtain counsel. Defendant did not preserve his challenge to the prosecutor's statements during a pretrial interview with defendant, inferring that defendant was not being forthcoming with information about the victim's robbery and death, and we decline to review it in the interest of justice (see People v Ferrer , 154 AD3d 519 , 520 [1st Dept 2017], lv denied 30 NY3d 1104 [2018]). The verdict was not against the weight of the evidence (see People v Danielson , 9 NY3d 342, 348-349 [2007]; see also People v Baque , 43 NY3d 26 [2024]). We see no reason to disturb the jury's credibility determinations. The jury properly rejected defendant's affirmative defense to felony murder since defendant's claims that he had no reasonable ground to believe that his accomplice would be armed with a deadly weapon, and to believe that he intended to engage in conduct likely to result in death (see Penal Law § 125.25 [3] [c], [d]), were not credible. The jury was also justified in rejecting the affirmative defense, as defendant's statements changed over time, making them less credible (see People v Ocasio , 12 AD3d 621, 622 [2d Dept 2004], lv denied 4 NY3d 766 [2005]). [*2] Defendant's challenge to the court's jury instruction concerning the requirement of unanimity on the affirmative defense is unpreserved, and we decline to review it in the interest of justice. As an alternative holding, we find no basis for reversal because the court, which followed the Criminal Jury Instructions, sufficiently conveyed to

the jury the principle that unanimity was required in order to reject the affirmative defense (see People v Alejandro , 127 AD3d 434 , 434 [1st Dept 2015], lv denied 26 NY3d 1142 [2016]; People v Parra , 58 AD3d 479 , 480 [1st Dept 2009], lv denied 12 NY3d 820 [2009]). Based on our own interest of justice powers, we vacate the surcharge and fees imposed on defendant at sentencing (see People v Chirinos , 190 AD3d 434 , 435 [1st Dept 2021]). We note that the People do not oppose this relief. We find no basis to reduce defendant's sentence. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: June 11, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.