

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

People v. Black

2026 NY Slip Op 03178 · No. 2023-06792 · Decided May 20, 2026

SUMMARY

The New York Appellate Division, Second Department, affirmed Abraham Black's sentence following his guilty plea. The court held that the defendant's purported waiver of the right to appeal was not knowing, voluntary, and intelligent under the circumstances, 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	Mark C. Dillon, J.P.; Lara J. Genovesi, J.; William G. Ford, J.; Janice A. Taylor, J.; James P. McCormack, J.
JURISDICTION	New York Supreme Court, Appellate Division, Second Judicial Department
DECIDED	May 20, 2026
DOCKET	2023-06792
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal by the defendant, limited by his motion, from a sentence imposed after his guilty plea, challenging the sentence as excessive.
STANDARD OF REVIEW	The Appellate Division reviewed whether the sentence was excessive.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Abraham Black v. The People of the State of New York

TOPICS

- sentencing
- plea bargaining
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- sentencing
- appellate procedure

QUESTIONS PRESENTED

1. Whether the defendant knowingly, voluntarily, and intelligently waived the right to appeal so that the waiver barred appellate review of his excessive-sentence claim.
2. Whether the sentence imposed upon the defendant's guilty plea was excessive.

HOLDINGS

1. The defendant did not knowingly, voluntarily, and intelligently waive his right to appeal under the totality of the circumstances; therefore, the purported waiver did not preclude appellate review of his excessive-sentence claim.
2. The sentence imposed was not excessive.

KEY QUOTATIONS

“The record does not reflect that the Supreme Court mentioned the waiver of appeal as part of the plea bargain being offered to the defendant, and it was not until after the defendant had already admitted his guilt that the court discussed the waiver” ([*1])

“Moreover, the court's explanation of the waiver of appeal did not clearly articulate that a defendant ordinarily retains the right to appeal even after he or she pleads guilty, but, as a condition of the plea agreement, the defendant was being asked to waive that right” ([*1])

FACTUAL BACKGROUND

Abraham Black pleaded guilty in Supreme Court, Queens County. After he had admitted his guilt, the court discussed an appeal waiver. The defendant was sentenced on July 17, 2023 and challenged the sentence as excessive.

PROCEDURAL HISTORY

The defendant pleaded guilty in Supreme Court, Queens County, and was sentenced on July 17, 2023. He appealed, arguing that the sentence was excessive. The Appellate Division held that the purported waiver of the right to appeal did not preclude review, but affirmed the sentence.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 NY3d 545, 559
- People v. Lopez, 6 NY3d 248, 256
- People v. Hyman, 244 AD3d 1001, 1001
- People v. Sutton, 184 AD3d 236, 245
- People v. Slade, 180 AD3d 1073, 1074-1075

- People v. Suitte, 90 AD2d 80

OPINION

People v. Black 2026 NY Slip Op 03178

PER CURIAM.

People v Black - 2026 NY Slip Op 03178 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v Black 2026 NY Slip Op 03178 May 20, 2026 Appellate Division, Second 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 Abraham Black, appellant. (S.C.I. No. 71820/23) Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on May 20, 2026 2023-06792 Mark C. Dillon, J.P. Lara J. Genovesi William G. Ford Janice A. Taylor James P. McCormack, JJ. Patricia Pazner, New York, NY (Victoria Broderick of counsel), for appellant. Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill of counsel; Sarah Walter on the memorandum), for respondent. [*1] DECISION & ORDER Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (Jerry M. Iannece, J.), imposed July 17, 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 record does not demonstrate that the defendant knowingly, voluntarily, and intelligently waived his right to appeal under the totality of the circumstances (see People v Thomas , 34 NY3d 545 , 559; People v Lopez , 6 NY3d 248, 256). The record does not reflect that the Supreme Court mentioned the waiver of appeal as part of the plea bargain being offered to the defendant, and it was not until after the defendant had already admitted his guilt that the court discussed the waiver (see People v Hyman , 244 AD3d 1001 , 1001; People v Sutton , 184 AD3d 236, 245). Moreover, the court's explanation of the waiver of appeal did not clearly articulate that a defendant ordinarily retains the right to appeal even after he or she pleads guilty, but, as a condition of the plea agreement, the defendant was being asked to waive that right (see People v Slade , 180 AD3d 1073, 1074). Under the circumstances, the purported waiver does not preclude appellate review of the defendant's excessive sentence claim (see People v Hyman , 244 AD3d at 1001; People v Slade , 180 AD3d at 1074-1075). However, the sentence imposed was not excessive (see People v Suitte , 90 AD2d 80). DILLON, J.P., GENOVESI, FORD, TAYLOR and MCCORMACK, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court 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

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