

State of New York  
Supreme Court, Appellate Division  
Third Judicial Department

Decided and Entered: May 28, 2026

CR-24-1096

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THE PEOPLE OF THE STATE OF  
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

RONALD LUCAS,

Appellant.

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Calendar Date: April 30, 2026

Before: Pritzker, J.P., Ceresia, Fisher, McShan and Corcoran, JJ.

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*Yorden C. Huban, Public Defender, Albany (James A. Bartosik Jr. of counsel), for appellant.*

*Lee C. Kindlon, District Attorney, Albany (Emily Schultz of counsel), for respondent.*

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Pritzker, J.P.

Appeal from a judgment of the Supreme Court (Thomas Marcelle, J.), rendered January 18, 2024 in Albany County, convicting defendant upon his plea of guilty of the crime of criminal sexual act in the first degree.

Defendant was charged in an indictment with three counts of predatory sexual assault against a child, criminal sexual act in the first degree and attempted criminal sexual act in the first degree. After defendant's motion to suppress certain evidence was denied, defendant pleaded guilty to criminal sexual act in the first degree. The plea agreement required defendant to waive his right to appeal. Supreme Court thereafter

sentenced defendant to 6½ years in prison, to be followed by 20 years of postrelease supervision. Defendant appeals.

We affirm. Defendant's challenge to the denial of his suppression motion is precluded by his unchallenged appeal waiver (*see People v Hughes*, 243 AD3d 1081, 1081 [3d Dept 2025], *lv denied* 45 NY3d 946 [2026]; *People v Nack*, 200 AD3d 1197, 1199 [3d Dept 2021], *lv denied* 38 NY3d 1009 [2022]). Defendant's challenge to the voluntariness of his plea survives the appeal waiver but is unpreserved for our review in the absence of an appropriate postallocution motion, and there is no basis in the record warranting the application of the narrow exception to the preservation requirement (*see People v Fernandez*, 234 AD3d 1207, 1208 [3d Dept 2025], *lv denied* 43 NY3d 1008 [2025]; *People v Werner*, 227 AD3d 1273, 1273 [3d Dept 2024]).

Ceresia, Fisher, McShan and Corcoran, JJ., concur.

ORDERED that the judgment is affirmed.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger  
Clerk of the Court