



INVOLUNTARY GUILTY PLEA – DIMINISHED CAPACITY

People with diminished capacity, whether it be based on mental illness or intellectual disabilities, are “uniquely vulnerable to injustice within criminal proceedings” (*People v Patillo*, 185 AD3d 46, 48 [1st Dept 2020]; *see Hall v Florida*, 572 US 701, 709 [2014]; *People v Knapp*, 124 AD3d 36, 45-46 [4th Dept 2014]). Defendants with diminished capacity may not be able to understand the proceedings and effectively participate in their own defense (*see People v Patillo*, 185 AD3d at 48; *see also* CPL 730.10 [1]). Accordingly, in accepting a guilty plea, a trial court must account for a defendant’s mental capacity and ensure that any waiver of constitutional rights is knowing, intelligent, and voluntary (*see People v Bradshaw*, 18 NY3d 257, 266 [2011]; *People v Patillo*, 185 AD3d at 48).

A guilty plea is involuntary where the record reflects that the defendant lacked the capacity to understand the nature of the proceedings or the consequences of the plea (*see People v Jones*, 207 AD3d 563, 564 [2d Dept 2022]; *People v Dolison*, 189 AD3d 1779, 1780-1081 [3d Dept 2020], *lv denied* 36 NY3d 1119 [2021]). In making this determination, the court must examine whether the defendant responded inappropriately or acted irrationally, as well as any other evidence suggesting the defendant’s incapacity, including the defendant’s mental health history (*see People v Terpening*, 211 AD3d 1233, 1234 [3d Dept 2022]; *People v Arce*, 196 AD3d 696,

697 [2d Dept 2021], *lv denied* 37 NY3d 1058 [2021]; *People v Velez*, 201 AD3d 554, 555 [1st Dept 2022], *lv denied* 39 NY3d 1076 [2023]; *People v Dolison*, 189 AD3d at 1780; *People v Manzanales*, 170 AD3d 752, 753 [2d Dept 2019]; *People v Vazquez*, 176 AD3d 1614, 1615 [4th Dept 2019], *lv denied* 34 NY3d 1082 [2019]).

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