

Legal Aid Bureau of Buffalo's Nicholas DiFonzo Secures Victory in Court of Appeals

The Legal Aid Bureau of Buffalo celebrates a significant appellate victory achieved by Nicholas P. DiFonzo, attorney in the Appeals and Post-Conviction Unit, in the *People v Scott* decision. In this ruling, the New York Court of Appeals, the state's highest court, agreed with DiFonzo, reversing a previous decision by the Appellate Division, Fourth Department.

Marquese Scott was originally indicted on three counts of second-degree burglary, each charge carrying a maximum sentence of 15 years. During plea negotiations, Scott was incorrectly informed by the prosecutor, defense counsel, and the trial court that he faced a maximum of 45 years if convicted at trial. This critical error, however, overstated Scott's actual legal sentencing exposure, which was capped at 20 years by New York law. Scott, who was 23 at the time, accepted a plea deal under this significant misrepresentation, agreeing to plead guilty in exchange for a sentence of six to eight years.

At sentencing, Scott received an enhanced sentence of 15 years after the court determined he had violated a condition of his plea agreement. Scott subsequently appealed, arguing that his plea was neither knowing nor voluntary due to the misinformation regarding his maximum sentence exposure. The Fourth Department upheld the plea, citing procedural grounds.

Undeterred, DiFonzo argued before the Court of Appeals that the significant misstatements made to Scott regarding his potential sentence prevented him from making an informed and voluntary plea. DiFonzo meticulously demonstrated through extensive research and persuasive oral arguments that Scott was fundamentally misinformed about the severe potential consequences of proceeding to trial.

On March 18, 2025, the Court of Appeals agreed with DiFonzo, determining that Scott's plea could not be considered a "free and informed choice." The Court highlighted that the stark contrast between the actual 20-year maximum sentence and the inaccurately presented 45-year maximum significantly impacted Scott's decision-making process.

This reversal underscores the Legal Aid Bureau of Buffalo's commitment to justice and the fundamental rights of defendants. The Bureau proudly commends Nicholas DiFonzo for his exemplary legal advocacy, which led to this significant appellate success. His efforts reinforce our mission to ensure that justice is fair, accurate, and fully informed.