

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

People v. Cantu-Garcia

2020 NY Slip Op 06964 (App. Div. 2020) · No. Appeal No. 12455; Case No. 2019-5133; Ind. No. 671/17 ·
Decided November 24, 2020

SUMMARY

The New York Appellate Division, First Department affirmed the judgment of the Supreme Court, Bronx County, in a criminal case involving Nicholas Cantu-Garcia. The court unanimously determined that the sentence was not excessive.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Friedman, J.P.; Manzanet-Daniels, J.; Oing, J.; Kennedy, J.
JURISDICTION	New York
DECIDED	November 24, 2020
DOCKET	Appeal No. 12455; Case No. 2019-5133; Ind. No. 671/17
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, rendered March 14, 2019. The Appellate Division reviewed the sentence and affirmed.
PRECEDENTIAL VALUE	Published appellate decision
PARTIES	Nicholas Cantu-Garcia, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

- sentencing
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice

QUESTIONS PRESENTED

1. Whether the sentence imposed by the Supreme Court, Bronx County, was excessive.

HOLDINGS

1. The sentence was not excessive.

FACTUAL BACKGROUND

The opinion provides no substantive factual description of the underlying criminal conduct. It states only that the defendant appealed from a judgment of the Supreme Court, Bronx County, and that the appellate court found the sentence not excessive.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, entered the judgment appealed from on March 14, 2019. On appeal, the First Department determined that the sentence was not excessive and unanimously affirmed the judgment.

DISPOSITION

affirmed

OPINION

PER CURIAM.

People v Cantu-Garcia (2020 NY Slip Op 06964) People v Cantu-Garcia 2020 NY Slip Op 06964 Decided on November 24, 2020 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided and Entered: November 24, 2020 Before: Friedman, J.P., Manzanet-Daniels, Oing, Kennedy, JJ. Ind No. 671/17 Appeal No. 12455 Case No. 2019-5133 [*1]The People of The State of New York, Respondent, vNicholas Cantu-Garcia, Defendant-Appellant.

Robert S. Dean, Center for Appellate Litigation, New York (Danielle J. Krumholz of counsel), for appellant. Darcel D. Clark, District Attorney, Bronx (Daniel J. Young of counsel), for respondent. An appeal having been taken to this Court by the above-named appellant from a judgment of the Supreme Court, Bronx County (Ralph A. Fabrizio, J.), rendered March 14, 2019, Said appeal having been argued by counsel for the respective parties, due deliberation having been had thereon, and finding the sentence not excessive, It is unanimously ordered that the judgment so appealed from be and the same is hereby affirmed.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: November 24, 2020 Counsel for appellant is referred to § 606.5, Rules of the Appellate Division, First Department.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/new-york-supreme-court-of-the-state-of-new-york-appellate-division-first-department/2020/people-v-cantu-garcia-04msv717>