

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

People v. Campbell

Campbell, 2026 NY Slip Op 00666 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department 2026) · No. 42 KA 24-01346 · Decided February 11, 2026

SUMMARY

The New York Appellate Division, Fourth Department, unanimously affirmed Calvin Campbell's resentence following his conviction upon a guilty plea to assault in the second degree. The court concluded that, even assuming the appeal waiver was invalid or did not encompass the challenge, the resentence was not unduly harsh or severe.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Montour, J.P.; Smith, J.; Greenwood, J.; Nowak, J.; Hannah, J.
JURISDICTION	New York Supreme Court, Appellate Division, Fourth Department
DECIDED	February 11, 2026
DOCKET	42 KA 24-01346
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a resentence imposed after his conviction upon a guilty plea to assault in the second degree.
STANDARD OF REVIEW	The court reviewed whether the resentence was unduly harsh or severe.
PRECEDENTIAL VALUE	Published appellate memorandum; precedential value under New York law is not otherwise specified in the opinion.
PARTIES	Calvin Campbell, Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

- sentencing
- appellate procedure
- criminal procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether defendant's waiver of the right to appeal was invalid or did not encompass his challenge to the severity of the resentence.
2. Whether the resentence was unduly harsh or severe.

HOLDINGS

1. Even assuming that defendant's waiver of the right to appeal was invalid or did not encompass the challenge, the resentence was not unduly harsh or severe.
2. The court did not decide definitively whether the appeal waiver was valid or encompassed the challenge; it assumed, for purposes of analysis, that the waiver was invalid or inapplicable and affirmed on the merits.

KEY QUOTATIONS

“Assuming, arguendo, that defendant's waiver of the right to appeal is invalid or otherwise does not encompass his challenge to the severity of the resentence, we nevertheless conclude that the resentence is not unduly harsh or severe.” ([*1])

FACTUAL BACKGROUND

Defendant was convicted upon his plea of guilty to assault in the second degree under Penal Law § 120.05(2). He later received a resentence and challenged that resentence on appeal, including its severity. The opinion does not describe additional underlying facts.

PROCEDURAL HISTORY

Campbell pleaded guilty to assault in the second degree under Penal Law § 120.05(2). The Supreme Court, Monroe County, resentedenced him on February 28, 2024, and he appealed. The Appellate Division unanimously affirmed the resentence.

DISPOSITION

affirmed

CASES CITED

- People v. Odle, 233 A.D.3d 1502, 1503 (4th Dep't 2024), leave to appeal denied, 43 N.Y.3d 965 (2025)
- People v. Knorr, 195 A.D.3d 1573, 1574 (4th Dep't 2021), leave to appeal denied, 37 N.Y.3d 993 (2021)
- People v. Jirdon, 159 A.D.3d 1518, 1519 (4th Dep't 2018)

OPINION

PER CURIAM.

People v Campbell (2026 NY Slip Op 00666) People v Campbell 2026 NY Slip Op 00666
Decided on February 11, 2026 Appellate Division, Fourth 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 on February 11, 2026
SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Fourth Judicial
Department PRESENT: MONTOUR, J.P., SMITH, GREENWOOD, NOWAK, AND HANNAH,
JJ. 42 KA 24-01346 [*1]THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, v
CALVIN CAMPBELL, DEFENDANT-APPELLANT.

JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (TONYA PLANK OF COUNSEL), FOR
DEFENDANT-APPELLANT. SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER
(MARTIN P. MCCARTHY, II, OF COUNSEL), FOR RESPONDENT. Appeal from a resentence
of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered February 28, 2024. Defendant
was resented upon a conviction of assault in the second degree.

It is hereby ORDERED that the resentence so appealed from is unanimously affirmed.
Memorandum: Defendant was convicted upon his plea of guilty of assault in the second degree
(Penal Law § 120.05 [2]) and now appeals from the resentence.

We affirm. Assuming, arguendo, that defendant's waiver of the right to appeal is invalid or
otherwise does not encompass his challenge to the severity of the resentence (see People v Odle,
233 AD3d 1502, 1503 [4th Dept 2024], lv denied 43 NY3d 965 [2025]; People v Knorr, 195 AD3d
1573, 1574 [4th Dept 2021], lv denied 37 NY3d 993 [2021]; see generally People v Jirdon, 159
AD3d 1518, 1519 [4th Dept 2018]), we nevertheless conclude that the resentence is not unduly
harsh or severe.

Entered: February 11, 2026 Ann Dillon Flynn Clerk of the Court