

**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.

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 on 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

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