

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, resentenced 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)