

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

People v. Martinez

Martinez, 2026 NY Slip Op 02935 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Appeal No. 6576; Case No. 2024-05017; Ind. No. 70049/22 · Decided May 12, 2026

SUMMARY

The Appellate Division, First Department, modified a criminal judgment in the interest of justice by vacating the mandatory surcharge and fees imposed on James Martinez. The court otherwise affirmed his conviction for criminal possession of a firearm and conditional discharge sentence.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Renwick, J.P.; Friedman, J.; Kapnick, J.; Pitt-Burke, J.; O'Neill Levy, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, First Department
DECIDED	May 12, 2026
DOCKET	Appeal No. 6576; Case No. 2024-05017; Ind. No. 70049/22
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, New York County, convicting him of criminal possession of a firearm and sentencing him to a conditional discharge.
STANDARD OF REVIEW	Interest-of-justice review under the Appellate Division's discretionary powers
PRECEDENTIAL VALUE	published
PARTIES	James Martinez v. The People of the State of New York

TOPICS

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QUESTIONS PRESENTED

1. Whether the Appellate Division should exercise its interest-of-justice powers to vacate the mandatory surcharge and fees imposed at sentencing.

HOLDINGS

1. The Appellate Division exercised its discretion in the interest of justice to vacate the mandatory surcharge and fees imposed at sentencing, while otherwise affirming the judgment.

KEY QUOTATIONS

“Judgment, Supreme Court, New York County (Gregory Carro, J.), rendered September 13, 2023, convicting him of criminal possession of a firearm, and sentencing him to a conditional discharge, unanimously modified, as a matter of discretion in the interest of justice, to the extent of vacating the surcharge and fees imposed on defendant at sentencing, and otherwise affirmed.” ([*1])

FACTUAL BACKGROUND

James Martinez was convicted in Supreme Court, New York County, of criminal possession of a firearm. The court sentenced him to a conditional discharge and imposed a mandatory surcharge and fees. On appeal, the Appellate Division vacated the surcharge and fees pursuant to its interest-of-justice powers, while leaving the conviction and remaining sentence intact.

PROCEDURAL HISTORY

The Supreme Court, New York County, rendered judgment on September 13, 2023. On appeal, the Appellate Division modified the judgment in the interest of justice by vacating the mandatory surcharge and fees imposed at sentencing, and otherwise affirmed.

DISPOSITION

other

CASES CITED

- People v. Chirinos, 190 A.D.3d 434 (1st Dep't 2021)

OPINION

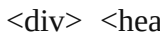
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PER CURIAM.

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May 12, 2026

Appellate Division, First Department

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The People of the State of New York, Respondent,

v

James Martinez, Appellant.

Decided and Entered: May 12, 2026

Ind. No. 70049/22|Appeal No. 6576|Case No. 2024-05017

Before: Renwick, J.P., Friedman, Kapnick, Pitt-Burke, O'Neill Levy, JJ.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (David J. Klem of counsel), for appellant.

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Based on our own interest of justice powers, we vacate the mandatory surcharge and fees imposed on defendant at sentencing (*People v Chirinos*, 190 AD3d 434 [1st Dept 2021]). We note that the People do not oppose this relief.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

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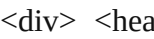
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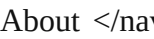
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