

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

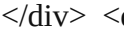
The Appellate Division, First Department, modified a criminal judgment in the interest of justice by vacating the mandatory surcharge and fees imposed on James Martinez. The court otherwise affirmed his conviction for criminal possession of a firearm and conditional discharge sentence.

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.

*[*1]*

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.

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.

ENTERED: May 12, 2026

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PER CURIAM.

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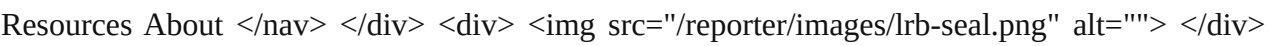
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