

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

People v. Strange

2025 NY Slip Op 07180 (N.Y. Ct. App. 2025) · No. 915 KA 24-01594 · Decided December 23, 2025

SUMMARY

The New York Appellate Division, Fourth Department, unanimously affirmed a Monroe County Court judgment convicting Markell Strange upon his guilty plea to attempted burglary in the first degree. The court held that, even assuming the defendant's waiver of the right to appeal was invalid, the sentence 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	Lindley, J.P.; Bannister, J.; Greenwood, J.; Nowak, J.; Hannah, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	December 23, 2025
DOCKET	915 KA 24-01594
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a Monroe County Court judgment entered after his guilty plea, challenging the severity of his sentence and, conditionally, the validity of his waiver of the right to appeal.
STANDARD OF REVIEW	The court reviewed whether the sentence was unduly harsh or severe.
PRECEDENTIAL VALUE	Published opinion
PARTIES	Markell Strange v. The People of the State of New York

TOPICS

sentencing

appellate procedure

criminal procedure

standard of review

PRACTICE AREAS

Criminal law

Criminal procedure

Appellate sentencing review

QUESTIONS PRESENTED

1. Whether defendant's sentence for attempted burglary in the first degree was unduly harsh or severe.
2. Whether defendant's waiver of the right to appeal was valid and precluded appellate review of the sentence-severity challenge.

HOLDINGS

1. The sentence was not unduly harsh or severe.
2. The court did not decide the validity of the waiver; it assumed, for purposes of argument, that the waiver was invalid.

KEY QUOTATIONS

“we conclude that the sentence is not unduly harsh or severe.” ([*1])

FACTUAL BACKGROUND

Defendant pleaded guilty to attempted burglary in the first degree under Penal Law §§ 110.00 and 140.30(3). The Monroe County Court entered judgment convicting him and imposed the challenged sentence. The appellate opinion does not provide additional underlying factual details.

PROCEDURAL HISTORY

The Monroe County Court, with Michael L. Dollinger presiding, entered judgment on July 17, 2024, convicting defendant upon his guilty plea of attempted burglary in the first degree. Defendant appealed to the Appellate Division, Fourth Department. The appellate court unanimously affirmed the judgment, assuming for purposes of argument that the appeal waiver was invalid and reaching the sentence-severity challenge.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 34 N.Y.3d 545, 565-566 (2019), cert. denied, 140 S. Ct. 2634 (2020)
- People v. Pascalar, 221 A.D.3d 1538, 1538 (4th Dep't 2023), lv denied, 40 N.Y.3d 1094 (2024)
- People v. Alls, 187 A.D.3d 1515, 1515 (4th Dep't 2020)

OPINION

PER CURIAM.

People v Strange (2025 NY Slip Op 07180) People v Strange 2025 NY Slip Op 07180 Decided on December 23, 2025 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 December 23, 2025 SUPREME

COURT OF THE STATE OF NEW YORK Appellate Division, Fourth Judicial Department
PRESENT: LINDLEY, J.P., BANNISTER, GREENWOOD, NOWAK, AND HANNAH, JJ. 915
KA 24-01594 [*1]THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT, v
MARKELL STRANGE, DEFENDANT-APPELLANT.

JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (TONYA PLANK OF COUNSEL), FOR
DEFENDANT-APPELLANT. SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER
(LISA GRAY OF COUNSEL), FOR RESPONDENT. Appeal from a judgment of the Monroe
County Court (Michael L. Dollinger, J.), rendered July 17, 2024.

The judgment convicted defendant, upon his plea of guilty, of attempted burglary in the first
degree. It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.
Memorandum: Defendant appeals from a judgment convicting him, upon his plea of guilty, of
attempted burglary in the first degree (Penal Law §§ 110.00, 140.30 [3]). Even assuming,
arguendo, that defendant's waiver of the right to appeal is invalid (see People v Thomas, 34 NY3d
545, 565-566 [2019], cert denied — US &mdash, 140 S Ct 2634 [2020]) and thus does not
preclude our review of his challenge to the severity of his sentence (see People v Pascalar, 221
AD3d 1538, 1538 [4th Dept 2023], lv denied 40 NY3d 1094 [2024]; People v Alls, 187 AD3d
1515, 1515 [4th Dept 2020]), we conclude that the sentence is not unduly harsh or severe.

Entered: December 23, 2025 Ann Dillon Flynn Clerk of the Court

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