

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

People v. H.A.

2026 NY Slip Op 01467 (N.Y. Ct. App. 2026) · No. Ind. No. 71439/23; SCI Nos. 74364/23, 71070/24; Appeal Nos. 6112-6113-6114; Case Nos. 2025-02339, 2025-02340, 2025-02341 · Decided March 17, 2026

SUMMARY

The Appellate Division, First Department, unanimously modified the judgments against H.A. by vacating the mandatory surcharge and fees imposed at sentencing, while otherwise affirming. The court exercised its interest-of-justice authority and noted that the People did not oppose the relief.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, First Department
WRITING FOR THE COURT	Webber, J.P.; Friedman, J.; González, J.; O'Neill Levy, J.; Michael, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	March 17, 2026
DOCKET	Ind. No. 71439/23; SCI Nos. 74364/23, 71070/24; Appeal Nos. 6112-6113-6114; Case Nos. 2025-02339, 2025-02340, 2025-02341
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from judgments of Supreme Court, New York County, and sought relief concerning the mandatory surcharge and fees imposed at sentencing.
STANDARD OF REVIEW	The court exercised its discretionary interest-of-justice powers to review and vacate the mandatory surcharge and fees; the remainder of the judgments was affirmed.
PRECEDENTIAL VALUE	Published
PARTIES	H.A., Defendant-Appellant v. The People of the State of New York

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Appellate Division should vacate the mandatory surcharge and fees imposed on defendant at sentencing in the interest of justice.
2. Whether the judgments should otherwise be affirmed.

HOLDINGS

1. The court vacated the mandatory surcharge and fees imposed on defendant at sentencing pursuant to its interest-of-justice powers.
2. The judgments were otherwise affirmed.

KEY QUOTATIONS

*“Judgments, Supreme Court, New York County (Laura A. Ward, J.), rendered April 8, 2025, 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

The judgments imposed a mandatory surcharge and fees on defendant at sentencing. On appeal, defendant obtained vacatur of those financial assessments, and the People did not oppose that relief.

PROCEDURAL HISTORY

Supreme Court, New York County, rendered judgments against defendant on April 8, 2025. The Appellate Division unanimously modified the judgments in the interest of justice by vacating the 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

PER CURIAM.

People v H.A. (2026 NY Slip Op 01467) People v H.A. 2026 NY Slip Op 01467 Decided on March 17, 2026 Appellate Division, First 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 and Entered: March 17, 2026 Before:

Webber, J.P., Friedman, González, O'Neill Levy, Michael, JJ. Ind. No. 71439/23|SCI Nos. 74364/23, 71070/24|Appeal No. 6112-6113-6114|Case No. 2025-02339, 2025-02340, 2025-02341|[*1]The People of The State of New York, Respondent, v H.A., Defendant-Appellant.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (David J. Klem of counsel), for appellant. Judgments, Supreme Court, New York County (Laura A. Ward, J.), rendered April 8, 2025, 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: March 17, 2026 Counsel for appellant is referred to § 606.5, Rules of the Appellate Division, First Department.