

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

People v. Thompson

2026 NY Slip Op 03988 · No. 2025-09282 · Decided June 24, 2026

SUMMARY

The Appellate Division, Second Department, modified the defendant's judgment by vacating his sentence and remitting the matter for a youthful offender determination. The court held that the defendant was an eligible youth under CPL 720.10 because he was 16 to 18 years old at the time of the offenses and had no prior criminal convictions, and that his convictions were not armed felony offenses requiring mitigating circumstances. The court affirmed the judgment as modified and expressed no opinion on whether youthful offender treatment should be granted.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Betsy Barros, J.P.; Lara J. Genovesi, J.; William G. Ford, J.; Lillian Wan, J.
JURISDICTION	New York Supreme Court, Appellate Division, Second Department
DECIDED	June 24, 2026
DOCKET	2025-09282
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a judgment entered after his guilty plea that convicted him of first-degree manslaughter and second-degree conspiracy and imposed sentence.
STANDARD OF REVIEW	Review on the law
PRECEDENTIAL VALUE	Published
PARTIES	Ziquan Thompson v. The People of the State of New York

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the defendant was an eligible youth for purposes of youthful offender treatment under CPL 720.10.
2. Whether the Supreme Court was required to determine on the record whether the defendant should receive youthful offender treatment.
3. Whether the defendant's sentence had to be vacated and the matter remitted for a youthful offender determination.

HOLDINGS

1. Criminal Procedure Law § 720.20(1) requires the court to make a youthful offender determination in every case in which the defendant is eligible, even if the defendant does not request youthful offender treatment or agrees to waive it as part of a plea bargain.
2. The defendant was an eligible youth because he was between 16 and 18 years old at the time of the offenses and had no prior criminal convictions; the armed-felony limitation in CPL 720.10(3) did not apply because first-degree manslaughter and second-degree conspiracy are not armed felony offenses.
3. The sentence must be vacated and the matter remitted for resentencing after the Supreme Court determines whether the defendant should be afforded youthful offender treatment.

KEY QUOTATIONS

“Criminal Procedure Law § 720.20(1) requires a court to make a youthful offender determination in every case where the defendant is eligible, even where the defendant fails to request it, or agrees to forego it as part of a plea bargain” ([*1])

“Where a defendant is an eligible youth, the determination of whether to afford him or her youthful offender treatment must be explicitly made on the record” ([*1])

FACTUAL BACKGROUND

The defendant was between 16 and 18 years old when he committed the subject offenses and had no prior criminal convictions. He pleaded guilty to first-degree manslaughter and second-degree conspiracy. The Supreme Court determined that he was not an eligible youth under the armed-felony provision of CPL 720.10(3), based on the absence of mitigating circumstances, and did not determine whether youthful offender treatment would serve the interests of justice.

PROCEDURAL HISTORY

The Supreme Court, Kings County, entered judgment on July 18, 2025, after defendant pleaded guilty and was sentenced. The Appellate Division modified the judgment by vacating the sentence and remitted the matter for further proceedings concerning youthful offender treatment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the sentence and remit the matter to the Supreme Court, Kings County, for resentencing after a determination as to whether the defendant should be afforded youthful offender treatment.

CASES CITED

- People v. Carranza, 216 AD3d 814
- People v. Rudolph, 21 NY3d 497
- People v. Kimble, 228 AD3d 886
- People v. Rivera, 235 AD3d 906
- People v. Dhillon, 143 AD3d 734

OPINION

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PER CURIAM.

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People v Rudolph , 21 NY3d 497, 501). The first step in making a youthful offender determination requires determining whether the defendant is an "eligible youth" (CPL 720.10[2]). "Where a defendant is an eligible youth, the determination of whether to afford him or her youthful offender treatment must be explicitly made on the record" (People v Kimble , 228 AD3d 886 , 886 [internal quotation marks omitted]). Here, the defendant is eligible for youthful offender status because he was between 16 and 18 years old at the time of the subject offenses and had no prior criminal convictions (see CPL 720.10[1], [2]; People v Rudolph , 21 NY3d at 500). Although a youth convicted of an armed felony is eligible for youthful offender status only where the court determines that there are mitigating circumstances bearing directly upon the manner in which the crime was committed or that the defendant's participation in the crime was relatively minor (see CPL 720.10[3]), the defendant was convicted of manslaughter in the first degree and conspiracy in the second degree, which are not armed felony offenses (see CPL 1.20[41]; People v Rivera , 235 AD3d 906 , 906-907; People v Dhillon , 143 AD3d 734, 736). Since the defendant was not convicted of an armed felony, the Supreme Court erred in determining that the defendant was not an eligible youth pursuant to CPL 720.10(3) on the ground that there were no mitigating circumstances bearing directly upon the manner in which the crime was committed and erred in failing to determine whether the interest of justice would be served by adjudicating the defendant a youthful offender (see People v Rivera , 235 AD3d at 907). Accordingly, the defendant's sentence must be vacated and the matter remitted to the Supreme Court, Kings County, for resentencing after a determination as to whether the defendant should be afforded youthful offender treatment (see People v Kimble , 228 AD3d at 886; People v Carranza , 216 AD3d at 815). We express no opinion as to whether the court should afford youthful offender treatment to the defendant. In light of our determination, we need not reach the defendant's remaining contention. BARROS, J.P., GENOVESI, FORD and WAN, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.