

**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

OPINION

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PER CURIAM.

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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

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