

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

People v. Diallo

Diallo, 2026 NY Slip Op 02888 (Appellate Division of the Supreme Court of the State of New York First Department 2026) · No. Ind. No. 71086/23; Appeal No. 6560; Case No. 2024-06375 · Decided May 7, 2026

SUMMARY

The New York Appellate Division, First Department, modified the defendant's judgment in the interest of justice by vacating the mandatory surcharge and fees imposed at sentencing. The court otherwise affirmed the conviction for attempted second-degree possession of a weapon and the one-year imprisonment sentence.

OPINION

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PER CURIAM.

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May 7, 2026

Appellate Division, First Department

Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

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The People of the State of New York, Respondent,

v

Mamadou Diallo, Defendant-Appellant.

Decided and Entered: May 07, 2026

Ind No. 71086/23|Appeal No. 6560|Case No. 2024-06375|

Before: Moulton, J.P., Gesmer, Higgitt, Michael, Chan, JJ.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (David J. Klem of counsel), for appellant.

[*1]

Judgment, Supreme Court, Bronx County (Alvin M. Yearwood, J.), rendered September 04, 2024, convicting defendant of attempted second degree possession of a weapon, and sentencing him to one year imprisonment, 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 7, 2026

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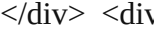
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