

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

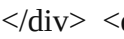
OPINION

People v. Diallo 2026 NY Slip Op 02888
PER CURIAM.

People v Diallo - 2026 NY Slip Op 02888

skip to main content

It appears you are using Adblock. Please disable Adblock to best experience our website.

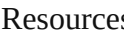


Law Reporting Bureau Home Page

Law Reporting Bureau

Thomas J.K. Smith, State Reporter

Court Decisions Resources About



Home

All Court Decisions

Decisions

People v Diallo

2026 NY Slip Op 02888

May 7, 2026

Appellate Division, First Department

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

This decision is uncorrected and subject to revision before publication in the Official Reports.

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

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

<div> <p>About</p> About the Law Reporting Bureau About our Operations Contact Us Twitter
</div> <div> <p>Quick Contact Info</p> <p>17 Lodge Street</p> <p>Albany, NY 12207</p>
<p>Phone: (518) 453-6900</p> </div> </footer> </div> <div> <p>Links to or from other sites do
not signify endorsement or relationship with them.</p> </div> </div>

PER CURIAM.

People v Diallo - 2026 NY Slip Op 02888 skip to main content It appears you are using Adblock.
Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith,
State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v
Diallo 2026 NY Slip Op 02888 May 7, 2026 Appellate Division, First Department Published by
New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is
uncorrected and subject to revision before publication in the Official Reports. 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 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.

PER CURIAM.

<div>People v Diallo - 2026 NY Slip Op 02888 <div> skip to main content </div> <div> <p>It
appears you are using Adblock. Please disable Adblock to best experience our website.</p>
</div> <div> <header> <div> </div>
<div> Law Reporting
Bureau
 Thomas J.K. Smith, State Reporter <nav> Court Decisions
Resources About </nav> </div> <div> </div>
</header> </div> <nav> Home All Court Decisions Decisions
 </nav> <div> <div> <h1>People v Diallo</h1> <p>2026 NY Slip Op 02888</p> <p>May

7, 2026

Appellate Division, First Department

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

This decision is uncorrected and subject to revision before publication in the Official Reports.

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

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.