

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

People v. Bredy B.

2025 NY Slip Op 06789 · No. Ind. No. 1054/16; Appeal No. 5285; Case No. 2019-05337 · Decided December 4, 2025

SUMMARY

The Appellate Division, First Department, affirmed a judgment convicting Bredy B. of attempted robbery in the second degree and adjudicating him a youthful offender. Exercising its interest-of-justice powers, the court modified the judgment to vacate the surcharge and fees imposed at sentencing.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Kern, J.P.; Friedman, J.; Gesmer, J.; Pitt-Burke, J.; O'Neill Levy, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	December 4, 2025
DOCKET	Ind. No. 1054/16; Appeal No. 5285; Case No. 2019-05337
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Bronx County, convicting him of attempted robbery in the second degree, adjudicating him a youthful offender, and imposing a conditional discharge.
STANDARD OF REVIEW	The court reviewed the sentence and exercised its discretionary interest-of-justice powers to grant relief from the surcharge and fees.
PRECEDENTIAL VALUE	Published appellate opinion
PARTIES	Bredy B., Defendant-Appellant v. The People of the State of New York, Respondent

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- remedies

PRACTICE AREAS

criminal procedure

sentencing

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the appellate court should vacate the surcharge and fees imposed at sentencing in the interest of justice.

HOLDINGS

1. The court may exercise its interest-of-justice powers to vacate the surcharge and fees imposed on defendant at sentencing, and the court did so here.

KEY QUOTATIONS

“Judgment, Supreme Court, Bronx County (Shari Michels, J., at plea; Marsha Michael, J., at sentencing), rendered July 11, 2019, convicting defendant of attempted robbery in the second degree, adjudicating him a youthful offender, and sentencing him to a conditional discharge, unanimously modified, as a matter of discretion in the interest of justice, to the extent of vacating the surcharge and fees imposed at sentencing, and otherwise affirmed.”

“Based on our own interest of justice powers, we vacate the surcharge and fees imposed on defendant at sentencing”

FACTUAL BACKGROUND

Defendant pleaded guilty to attempted robbery in the second degree. The Supreme Court adjudicated him a youthful offender and sentenced him to a conditional discharge, while also imposing a surcharge and fees. On appeal, the People did not oppose vacatur of those financial assessments.

PROCEDURAL HISTORY

The Supreme Court, Bronx County, entered judgment on July 11, 2019, following defendant's plea and sentencing. On appeal, the First Department exercised its interest-of-justice powers to vacate the surcharge and fees imposed at sentencing and otherwise affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- People v. Abreu, 211 AD3d 410, 411 (1st Dept 2022)
- People v. Chirinos, 190 AD3d 434 (1st Dept 2021)

OPINION

PER CURIAM.

People v Bredy B. (2025 NY Slip Op 06789) People v Bredy B. 2025 NY Slip Op 06789 Decided on December 04, 2025 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: December 04, 2025 Before: Kern, J.P., Friedman, Gesmer, Pitt-Burke, O'Neill Levy, JJ. Ind No. 1054/16|Appeal No. 5285|Case No. 2019-05337| [*1]The People of the State of New York, Respondent, v Bredy B., Defendant-Appellant.

Twyla Carter, The Legal Aid Society, New York (Steven Berko of counsel), for appellant. Kern, J.P., Friedman, Gesmer, Pitt-Burke, O'Neill Levy, JJ. 5285 The People of the State of New York, Respondent, -against- Bredy B., Defendant-Appellant. Ind. No. 1054/16 Case No. 2019-05337 Twyla Carter, The Legal Aid Society, New York (Steven Berko of counsel), for appellant.

Judgment, Supreme Court, Bronx County (Shari Michels, J., at plea; Marsha Michael, J., at sentencing), rendered July 11, 2019, convicting defendant of attempted robbery in the second degree, adjudicating him a youthful offender, and sentencing him to a conditional discharge, unanimously modified, as a matter of discretion in the interest of justice, to the extent of vacating the surcharge and fees imposed at sentencing, and otherwise affirmed.

Based on our own interest of justice powers, we vacate the surcharge and fees imposed on defendant at sentencing (see People v Abreu, 211 AD3d 410, 411 [1st Dept 2022]; 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: December 4, 2025