

NEW YORK COURT OF APPEALS

People v. Guerrero

2026 NY Slip Op 00826 · No. No. 8 · Decided February 17, 2026

SUMMARY

The New York Court of Appeals held that the youth part of County Court did not abuse its discretion as a matter of law in finding extraordinary circumstances warranting retention of a 17-year-old defendant's violent felony prosecution rather than removal to Family Court under the Raise the Age legislation. The Court considered the totality of the circumstances, including the premeditated armed home invasion, the defendant's escalating criminal history, and his prior Family Court services, while recognizing his mental health conditions as a mitigating factor. The Court affirmed the Appellate Division's order.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Troutman, J.; Chief Judge Wilson; Judge Rivera; Judge Garcia; Judge Singas; Judge Cannataro; Judge Troutman; Judge Halligan
JURISDICTION	New York Court of Appeals
DECIDED	February 17, 2026
DOCKET	No. 8
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed, by permission of a dissenting Justice of the Appellate Division, from an order affirming the Youth Part's grant of the People's motion to prevent removal of the case to Family Court under New York's Raise the Age legislation.
STANDARD OF REVIEW	Whether the Youth Part abused its discretion as a matter of law in determining, under the totality of the facts and circumstances before it, that extraordinary circumstances existed to prevent removal to Family Court.
PRECEDENTIAL VALUE	Published New York Court of Appeals opinion; precedential
PARTIES	Errick Guerrero v. The People

TOPICS

criminal procedure

statutory interpretation

appellate procedure

standard of review

preservation of error

PRACTICE AREAS

criminal procedure

juvenile justice

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statutory interpretation

QUESTIONS PRESENTED

1. Whether the Youth Part abused its discretion as a matter of law under CPL 722.23(1)(d) by finding extraordinary circumstances sufficient to prevent removal of the adolescent offender's case to Family Court.
2. Whether the court was required to apply a two-part inquiry requiring highly unusual and heinous facts and strong proof that the youth was not amenable to or would not benefit from Family Court services.
3. Whether evidence concerning the defendant's prior Family Court proceedings was inadmissible under Family Court Act § 381.2(1).

HOLDINGS

1. The Youth Part did not abuse its discretion as a matter of law in determining, after considering the totality of the facts and circumstances before it, that extraordinary circumstances existed to prevent removal under CPL 722.23(1)(d).
2. The extraordinary-circumstances determination is committed to broad judicial discretion and requires an individualized assessment of the totality of the circumstances, including aggravating and mitigating factors concerning both the offense and the young defendant.
3. The defendant's argument that the Youth Part was required to apply a two-part inquiry was unpreserved because he did not request that test below and instead urged consideration of the totality of the circumstances.
4. The defendant's challenge under Family Court Act § 381.2(1) to the admissibility of evidence relating to prior Family Court proceedings was unpreserved because he did not object to the probation officer's testimony or otherwise dispute the People's evidence.

KEY QUOTATIONS

“The only question before us is whether the youth part, considering the totality of the facts and circumstances before it, abused its discretion as a matter of law in determining that extraordinary circumstances existed that should prevent removal to Family Court” (at 3)

“The absence of such guidance evinces a legislative intent to leave the extraordinary circumstances determination within the broad discretion of the court.” (at 3)

“But we cannot say that the court, after weighing the considerable aggravating and mitigating factors here, abused its discretion as a matter of law in determining that extraordinary circumstances exist that should prevent removal to Family Court.” (at 4)

FACTUAL BACKGROUND

Four months shy of his eighteenth birthday, Errick Guerrero participated with accomplices in a premeditated home-invasion robbery in which he displayed a knife and the victim was struck with a shotgun. Before the offense, Guerrero had received multiple Family Court appearance tickets, two adjudications, and various Family Court services over approximately five years, while also having several mental-health diagnoses. The Youth Part found that the violent offense, escalating criminal behavior, and history of services established extraordinary circumstances warranting retention in the Youth Part.

PROCEDURAL HISTORY

After arraignment, the People moved under CPL 722.23 to prevent presumptive removal of the case from the Youth Part to Family Court based on extraordinary circumstances. Following a hearing, the Youth Part granted the motion. The case proceeded to a jury trial, resulting in convictions and a state-prison sentence. The Appellate Division affirmed, and a dissenting Justice granted leave to appeal. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. T.P., 73 Misc 3d 1215[A] (Nassau County Ct. 2021)
- People v. Dukes, 186 AD3d 1073, 1074 (4th Dept. 2020), affd, 37 NY3d 1085 (2021)
- Matter of Suarez v. Williams, 26 NY3d 440, 446-448 (2015)
- People v. Cintron, 75 NY2d 249, 254-255 (1990)
- People v. Lewis, 5 NY3d 546, 551-552 (2005)
- Roper v. Simmons, 543 U.S. 551, 569-570 (2005)
- Graham v. Florida, Graham v. Florida, 560 U.S. 48 (2010)
- Miller v. Alabama, Miller v. Alabama, 567 U.S. 450 (2012)
- People v. Lloyd F., 2025 NY Slip Op 04583, at *4 (2d Dept. 2025)
- People v. M.M., 64 Misc 3d 259, 264-266, 271-272 (Nassau County Ct. 2019)
- People v. J.J., 2022 NY Slip Op 50211[U], at *4 (Ulster County Ct. 2022)
- People v. D.J., 2023 NY Slip Op 50405[U], at *1 (Erie County Ct. 2023)
- People v. J.K., 2023 NY Slip Op 50312[U], at *2-3 (Erie County Ct. 2023)