

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FOURTH JUDICIAL DEPARTMENT

People v. McBride

McBride, 2026 NY Slip Op 02757 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department 2026) · No. 293 KA 24-01969 · Decided May 1, 2026

SUMMARY

The Appellate Division, Fourth Department, unanimously affirmed a Monroe County Supreme Court judgment convicting Tinos McBride upon his guilty plea to criminal possession of a weapon in the second degree. The court concluded that, even assuming the waiver of appeal was invalid or did not encompass the sentence challenge, the sentence was not unduly harsh or severe.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
WRITING FOR THE COURT	Lindley, J.P.; Curran, J.; Ogden, J.; Nowak, J.; DelConte, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department
DECIDED	May 1, 2026
DOCKET	293 KA 24-01969
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of the Supreme Court, Monroe County, convicting him upon his guilty plea of criminal possession of a weapon in the second degree and imposing a sentence challenged as unduly harsh or severe.
STANDARD OF REVIEW	The court reviewed whether the sentence was unduly harsh or severe and assumed, without deciding, that defendant's waiver of the right to appeal was invalid or did not encompass the sentencing challenge.
PRECEDENTIAL VALUE	Published New York Appellate Division decision
PARTIES	Tinos McBride v. The People of the State of New York

TOPICS

- sentencing
- criminal procedure
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

criminal law

criminal procedure

appellate law

sentencing

QUESTIONS PRESENTED

1. Whether defendant's waiver of the right to appeal was valid or encompassed his challenge to the severity of the sentence.
2. Whether the sentence imposed upon defendant's guilty plea was unduly harsh or severe.

HOLDINGS

1. The court assumed, without deciding, that defendant's waiver of the right to appeal was invalid or did not encompass his challenge to the severity of the sentence, and reached the sentencing issue.
2. The sentence was not unduly harsh or severe.

KEY QUOTATIONS

"It is hereby ORDERED that the judgment so appealed from is unanimously affirmed." (*1)

FACTUAL BACKGROUND

Defendant pleaded guilty to criminal possession of a weapon in the second degree under Penal Law § 265.03(3). The judgment of conviction was rendered by the Supreme Court, Monroe County, on September 11, 2024. On appeal, defendant challenged the severity of the sentence.

PROCEDURAL HISTORY

The Supreme Court, Monroe County, rendered a judgment on September 11, 2024, convicting defendant upon his plea of guilty to criminal possession of a weapon in the second degree. Defendant appealed, challenging the severity of his sentence and potentially the validity or scope of his waiver of the right to appeal. The Appellate Division unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Thomas, 236 A.D.3d 1357, 1357 (4th Dep't 2025)
- People v. Odle, 233 A.D.3d 1502, 1502 (4th Dep't 2024), lv. denied, 43 N.Y.3d 965 (2025)

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