

**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.

OPINION

People v. McBride 2026 NY Slip Op 02757

PER CURIAM.

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2026 NY Slip Op 02757

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Appellate Division, Fourth Department

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

v

TINOS MCBRIDE, DEFENDANT-APPELLANT.

Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department

Decided on May 1, 2026

293 KA 24-01969

Present: Lindley, J.P., Curran, Ogden, Nowak, And Delconte, JJ.

SARAH S. HOLT, CONFLICT DEFENDER, ROCHESTER (FABIENNE N. SANTACROCE OF COUNSEL), FOR DEFENDANT-APPELLANT.

BRIAN P. GREEN, DISTRICT ATTORNEY, ROCHESTER (MERIDETH H. SMITH OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.),

rendered September 11, 2024. The judgment convicted defendant upon a plea of guilty of criminal possession of a weapon in the second degree. </p> <p></p>[*1] <p>It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.</p> <p>Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]). We affirm. Assuming, arguendo, that defendant's waiver of the right to appeal is invalid or otherwise does not encompass his challenge to the severity of the sentence (<i>see People v Thomas</i>, 236 AD3d 1357, 1357 [4th Dept 2025]; <i>People v Odle</i>, 233 AD3d 1502, 1502 [4th Dept 2024], <i>lv denied</i> 43 NY3d 965 [2025]), we nevertheless conclude that the sentence is not unduly harsh or severe.</p> <p>Entered: May 1, 2026</p> <p>Ann Dillon Flynn</p> <p>Clerk of the Court</p> </div> <div> <footer> <div> <p>Court Decisions</p> All Court Decisions Official Reports Service Bound Volumes Decision Search </div> <div> <p>Resources</p> RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index </div> <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.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

v TINOS MCBRIDE, DEFENDANT-APPELLANT. Supreme Court of the State of New York, Appellate Division, Fourth Judicial Department Decided on May 1, 2026 293 KA 24-01969 Present: Lindley, J.P., Curran, Ogden, Nowak, And Delconte, JJ. SARAH S. HOLT, CONFLICT DEFENDER, ROCHESTER (FABIENNE N. SANTACROCE OF COUNSEL), FOR DEFENDANT-APPELLANT. BRIAN P. GREEN, DISTRICT ATTORNEY, ROCHESTER (MERIDETH H. SMITH OF COUNSEL), FOR RESPONDENT. Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered September 11, 2024. The judgment convicted defendant upon a plea of guilty of criminal possession of a weapon in the second degree. [*1] It is hereby ORDERED that the judgment so appealed from is unanimously affirmed. Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]). We affirm. Assuming, arguendo, that defendant's waiver of the right to appeal is invalid or otherwise does not

encompass his challenge to the severity of the sentence (see *People v Thomas* , 236 AD3d 1357 , 1357 [4th Dept 2025]; *People v Odle* , 233 AD3d 1502 , 1502 [4th Dept 2024], lv denied 43 NY3d 965 [2025]), we nevertheless conclude that the sentence is not unduly harsh or severe. Entered: May 1, 2026 Ann Dillon Flynn Clerk of the Court 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.

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Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered September 11, 2024. The judgment convicted defendant upon a plea of guilty of criminal possession of a weapon in the second degree.

[*1]

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]). We affirm. Assuming, arguendo, that defendant's waiver of the right to appeal is invalid or otherwise does not encompass his challenge to the severity of the sentence (see *People v Thomas*, 236 AD3d 1357, 1357 [4th Dept

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