

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

People v. McBride

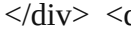
McBride, 2026 NY Slip Op 02757 (Supreme Court of the State of New York Appellate Division Fourth Judicial Department 2026) · No. 293 KA 24-01969 · Decided May 1, 2026

OPINION

PER CURIAM.

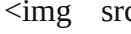
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May 1, 2026

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.

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

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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.

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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. </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 (*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.

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