

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

People v. Treyvon A. E.

Treyvon A. E., 2025 NY Slip Op 06723 (Appellate Division of the Supreme Court of the State of New York Second Judicial Department 2025) · No. 2022-01757; 2022-01762 · Decided December 3, 2025

SUMMARY

The Appellate Division, Second Department, reversed judgments convicting Treyvon A. E. of two counts of robbery in the second degree. The court held that the People failed to demonstrate extraordinary circumstances sufficient to prevent removal of the actions to Family Court under New York's Raise the Age legislation. The matter was remitted for entry of an order removing the actions to Family Court.

CASE DETAILS

COURT	Appellate Division of the Supreme Court of the State of New York, Second Judicial Department
WRITING FOR THE COURT	Mark C. Dillon, J.P.; William G. Ford, J.; Deborah A. Dowling, J.; Susan Quirk, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	December 3, 2025
DOCKET	2022-01757; 2022-01762
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed from two County Court judgments convicting him, upon guilty pleas, of robbery in the second degree and imposing sentences. The appeals also brought up for review the Youth Part's granting of the People's motion under CPL 722.23(1) to prevent removal of the proceedings to Family Court and its subsequent adherence to that determination upon reargument.
STANDARD OF REVIEW	Review on the law
PRECEDENTIAL VALUE	published
PARTIES	Treyvon A. E. v. The People of the State of New York

TOPICS

family law procedure

criminal procedure

appellate procedure

appellate jurisdiction

PRACTICE AREAS

criminal procedure

juvenile justice

appellate procedure

family law procedure

QUESTIONS PRESENTED

1. Whether the People established extraordinary circumstances sufficient under CPL 722.23(1)(d) to prevent removal of the adolescent offender's proceedings from the Youth Part to Family Court.
2. Whether the County Court judgments entered after the Youth Part improperly denied removal to Family Court should be reversed.

HOLDINGS

1. The People failed to demonstrate that extraordinary circumstances existed to prevent removal of the actions to Family Court; therefore, the Youth Part should have denied the People's motion under CPL 722.23(1).

KEY QUOTATIONS

*"the People can move to prevent removal to Family Court upon a showing "that extraordinary circumstances exist that should prevent the transfer of the action to family court"" (*2)*

FACTUAL BACKGROUND

The defendant was 17 years old when accused of two counts of robbery in the second degree. The People sought to prevent removal of the proceedings from the Youth Part to Family Court under CPL 722.23(1). After the Youth Part granted that motion and adhered to its ruling upon reargument, the defendant pleaded guilty in both matters and received sentences.

PROCEDURAL HISTORY

The defendant, who was 17 when charged, was prosecuted in the Youth Part of the County Court, Rockland County. The Youth Part granted the People's motion to prevent removal to Family Court and adhered to that ruling upon reargument. The defendant then pleaded guilty in both matters and was sentenced; the Appellate Division reversed the judgments, denied the People's motion, and remitted for entry of an order removing the actions to Family Court.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The County Court, Rockland County, must enter an order denying the People's CPL 722.23(1) motion to prevent removal and removing the actions to the Family Court, Rockland County.

CASES CITED

- People v. Yahmir T.D., 241 AD3d 576, 577
- People v. Lloyd F., 2025 NY Slip Op 04583, *2

OPINION

PER CURIAM.

People v Treyvon A. E. (2025 NY Slip Op 06723) People v Treyvon A. E. 2025 NY Slip Op 06723 Decided on December 3, 2025 Appellate Division, Second 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 on December 3, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department MARK C. DILLON, J.P.

WILLIAM G. FORD DEBORAH A. DOWLING SUSAN QUIRK, JJ. 2022-01757 2022-01762 (Ind. No. 126/20; S.C.I. No. 209/20) [*1]The People of the State of New York, respondent, v Treyvon A. E. (Anonymous), appellant. James D. Licata, New City, NY (Ellen O'Hara Woods of counsel), for appellant. Thomas E. Walsh II, District Attorney, New City, NY (Morgan Czarnik of counsel), for respondent.

DECISION & ORDER Appeals by the defendant from two judgments of the County Court, Rockland County (Sherri L. Eisenpress, J.), both rendered October 8, 2021, convicting him of robbery in the second degree under Indictment No. 126/20 and robbery in the second degree under S.C.I. No. 209/20, upon his pleas of guilty, and imposing sentences.

The appeals bring up for review the granting of the People's motion pursuant to CPL 722.23(1) to prevent removal of these actions to the Family Court, Rockland County, and the determination of the County Court, upon reargument, to adhere to the prior determination granting the People's motion. ORDERED that the judgments are reversed, on the law, the People's motion pursuant to CPL 722.23(1) to prevent removal of these actions to the Family Court, Rockland County, is denied, and the matter is remitted to the County Court, Rockland County, for the entry of an order removing the actions to the Family Court, Rockland County.

The defendant was 17 years of age when he was accused of robbery in the second degree under Indictment No. 126/20 and robbery in the second degree under S.C.I. No. 209/20. The People moved pursuant to CPL 722.23(1) to prevent removal of these actions from the Youth Part of the County Court, Rockland County, to the Family Court, Rockland County.

The Youth Part granted the People's motion. The defendant moved for leave to reargue his opposition to the People's motion, and, upon reargument, the Youth Part adhered to its prior

determination. Subsequently, the defendant entered pleas of guilty to robbery in the second degree under Indictment No. 126/20 and robbery in the second degree under S.C.I. No. 209/20.

By judgments rendered October 8, 2021, sentences were imposed. The defendant appeals. In 2017, the Legislature enacted the "Raise the Age" legislation, which defined a 16 or 17 year old who was charged with a felony committed on or after October 1, 2018, or October 1, 2019, respectively, as an "adolescent offender" (CPL 1.20[44]; see Penal Law § 30.00[1], [3][a]; *People v Yahmir T.D.*, 241 AD3d 576, 577).

The Raise the Age legislation created a Youth Part in a superior court, presided over by Family Court judges with specialized training, to determine the proper forum for such prosecutions (see CPL 722.10[1]). As relevant here, when an adolescent offender is charged with a violent felony, the Youth Part must determine at a hearing held within six days of arraignment whether the People have established by a preponderance of the evidence that [*2]"the defendant caused significant physical injury to a person other than a participant in the offense," "displayed a firearm, shotgun, rifle or deadly weapon as defined in the penal law in furtherance of such offense," or committed one of several enumerated sex offenses (*id.* § 722.23[2][c][i], [ii]).

If the Youth Part determines that the People failed to make such a showing, it must remove the action to Family Court, but the People can move to prevent removal to Family Court upon a showing "that extraordinary circumstances exist that should prevent the transfer of the action to family court" (*id.* § 722.23[1][d]; see *People v Lloyd F.*, ___ AD3d ___, ___, 2025 NY Slip Op 04583, *2).

Here, the People failed to demonstrate that extraordinary circumstances existed (see *People v Lloyd F.*, ___ AD3d ___, 2025 NY Slip Op 04583; *People v Yahmir T.D.*, 241 AD3d 576). Thus, the Youth Part should have denied the People's motion pursuant to CPL 722.23(1) to prevent removal of these actions to Family Court.

The People's remaining contention is without merit. Accordingly, we reverse the judgments, deny the People's motion pursuant to CPL 722.23(1) to prevent removal of these actions to Family Court, and remit the matter to the County Court, Rockland County, for the entry of an order removing the actions to the Family Court, Rockland County. DILLON, J.P., FORD, DOWLING and QUIRK, JJ., concur.

ENTER: Darrell M. Joseph Clerk of the Court