

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

People v. Yankanah

Yankanah, 2026 NY Slip Op 03692 (Supreme Court of the State of New York Appellate Division Second
Judicial Department 2026) · No. 2023-05097 · Decided June 10, 2026

SUMMARY

The Appellate Division, Second Department, modified the defendant's judgment by vacating his sentence and remitting the matter for a youthful offender determination and resentencing. The court held that Criminal Procedure Law § 720.20(1) requires an explicit youthful offender determination for an eligible youth, and directed the trial court to reconsider mandatory surcharges and fees after that determination.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Lara J. Genovesi, J.P.; Cheryl E. Chambers, J.; Helen Voutsinas, J.; Phillip Hom, J.
JURISDICTION	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
DECIDED	June 10, 2026
DOCKET	2023-05097
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendant appealed from a judgment of the Supreme Court, Queens County, entered after his guilty plea to criminal possession of a weapon in the fourth degree and imposition of sentence.
STANDARD OF REVIEW	Review on the law; the sentence was vacated because the record failed to demonstrate that the lower court made the required youthful offender determination.
PRECEDENTIAL VALUE	Published
PARTIES	Jevaughn Yankanah v. The People of the State of New York

TOPICS

sentencing

criminal procedure

appellate procedure

PRACTICE AREAS

criminal procedure

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether the sentence must be vacated and the matter remitted where the defendant was eligible for youthful offender treatment but the record did not show that the court made a youthful offender determination.
2. Whether mandatory surcharges and fees must be reconsidered upon youthful offender determination and resentencing.

HOLDINGS

1. Criminal Procedure Law § 720.20(1) requires the court to make a youthful offender determination in every case where the defendant is eligible, including when the defendant does not request youthful offender treatment or agrees to forgo it as part of a plea bargain.
2. When a defendant is an eligible youth, the court must explicitly determine on the record whether to afford youthful offender treatment.
3. Upon determination of the defendant's youthful offender status and resentencing, the Supreme Court must reconsider the imposition of mandatory surcharges and fees.

KEY QUOTATIONS

“Criminal Procedure Law § 720.20(1) requires a court to make a youthful offender determination in every case where the defendant is eligible, even where the defendant fails to request it, or agrees to forego it as part of a plea bargain” ([*1])

“Where a defendant is an eligible youth, the determination of whether to afford him or her youthful offender treatment must be explicitly made on the record” ([*1])

FACTUAL BACKGROUND

The defendant pleaded guilty to criminal possession of a weapon in the fourth degree. He was an eligible youth for youthful offender treatment. The record did not demonstrate that the Supreme Court made an explicit youthful offender determination before imposing sentence.

PROCEDURAL HISTORY

The Supreme Court, Queens County, rendered judgment on April 28, 2023, convicting the defendant upon his plea of guilty and sentencing him. On appeal, the Appellate Division modified the judgment by vacating the sentence, affirmed the judgment as modified, and remitted the matter for a youthful offender determination and resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter is remitted to the Supreme Court, Queens County, for a determination of whether the defendant should be afforded youthful offender treatment and for resentencing. Upon making that determination and resentencing, the Supreme Court must reconsider the imposition of mandatory surcharges and fees.

CASES CITED

- People v. Suckoo, 236 AD3d 830, 830
- People v. Carranza, 216 AD3d 814, 814-815
- People v. Rudolph, 21 NY3d 497, 501
- People v. Steele, 244 AD3d 57, 64-65

OPINION

PER CURIAM.

People v Yankanah - 2026 NY Slip Op 03692 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v Yankanah 2026 NY Slip Op 03692 June 10, 2026 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.

This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, respondent, v Jevaghn Yankanah, appellant. (S.C.I. No. 71151/22) Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on June 10, 2026 2023-05097 Lara J. Genovesi, J.P. Cheryl E. Chambers Helen Voutsinas Phillip Hom, JJ. Twyla Carter, New York, NY (Megan Taeschler of counsel), for appellant.

Melinda Katz, District Attorney, Kew Gardens, NY (Johnnette Traill and William H. Branigan of counsel; Ariel Gootkin on the brief), for respondent. [*1] DECISION & ORDER Appeal by the defendant from a judgment of the Supreme Court, Queens County (Marcia P. Hirsch, J.), rendered April 28, 2023, convicting him of criminal possession of a weapon in the fourth degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is modified, on the law, by vacating the sentence imposed; as so modified, the judgment is affirmed, and the matter is remitted to the Supreme Court, Queens County, for further proceedings consistent herewith. "Criminal Procedure Law § 720.20(1) requires a court to make a youthful offender determination in every case where the defendant is

eligible, even where the defendant fails to request it, or agrees to forego it as part of a plea bargain" (*People v Suckoo*, 236 AD3d 830, 830, quoting *People v Carranza*, 216 AD3d 814, 814; see *People v Rudolph*, 21 NY3d 497, 501).

"Where a defendant is an eligible youth, the determination of whether to afford him or her youthful offender treatment must be explicitly made on the record" (*People v Suckoo*, 236 AD3d at 830 [internal quotation marks omitted]; see *People v Steele*, 244 AD3d 57, 64-65).

Here, the People correctly concede that, even though the defendant was an eligible youth, the record does not demonstrate that the Supreme Court made a youthful offender determination. Accordingly, the defendant's sentence must be vacated and the matter remitted to the Supreme Court, Queens County, for resentencing after a determination as to whether the defendant should be afforded youthful offender treatment (see *People v Suckoo*, 236 AD3d at 830; *People v Carranza*, 216 AD3d at 815).

We express no opinion as to whether the court should afford youthful offender treatment to the defendant. Further, upon determination of the defendant's youthful offender status and resentencing, the Supreme Court must reconsider the imposition of mandatory surcharges and fees (see *People v Suckoo*, 236 AD3d at 830-831; *People v Carranza*, 216 AD3d at 815).

In light of our determination, we need not reach the defendant's remaining contentions. GENOVESI, J.P., CHAMBERS, VOUTSINAS and HOM, JJ., concur. ENTER: Darrell M. Joseph 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.