

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

People v. E.R.

2026 NY Slip Op 00845 (Supreme Court of the State of New York Appellate Division First Department 2026) ·
No. Ind. No. 1478/19, 70235/24; Appeal Nos. 5854-5855; Case Nos. 2023-00303, 2024-06946 · Decided
February 17, 2026

OPINION

People v. E.R. 2026 NY Slip Op 00845

PER CURIAM.

People v E.R. (2026 NY Slip Op 00845) People v E.R. 2026 NY Slip Op 00845 Decided on February 17, 2026 Appellate Division, First 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 and Entered: February 17, 2026 Before: Moulton, J.P., Friedman, González, O'Neill Levy, Chan, JJ. Ind. No. 1478/19, 70235/24|Appeal No. 5854-5855|Case No. 2023-00303, 2024-06946| [*1]The People of the State of New York, Respondent, v E.R., Defendant-Appellant. Jenay Nurse Guilford, Center for Appellate Litigation, New York (Benjamin Wiener of counsel), for appellant. Appeals from judgment, Supreme Court, Bronx County (Steven Hornstein, J.), rendered January 9, 2023, under indictment No. 1478/19, convicting defendant, upon his guilty plea, of criminal possession of a weapon in the third degree, adjudicating him a youthful offender, and sentencing him to five years of probation, and judgment, same court (Ralph Fabrizio, J.), rendered November 1, 2024, under indictment No. 70235/24, convicting him, upon his guilty plea, of criminal possession of a controlled substance in the seventh degree and attempted criminal possession of a weapon in the second degree, and sentencing him to an aggregate term of two years, unanimously dismissed, as moot. In light of our determination in People v E.R. (242 AD3d 645 [1st Dept 2025]), which modified the December 10, 2024 judgment of resentence under indictment No. 1478/19, to the extent of reducing the sentence of imprisonment to a term of one year, the present appeals are dismissed as moot. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: February 17, 2026