

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

People v. Alvarez

2026 N.Y. Slip Op. 03240 (Supreme Court of the State of New York Appellate Division First Department 2026) ·
No. Ind. No. 962/18; Appeal No. 6674; Case No. 2019-1864 · Decided May 21, 2026

SUMMARY

The New York Supreme Court, Appellate Division, First Department unanimously modified the judgment by vacating the mandatory surcharge and fees imposed on Tyler Alvarez at sentencing. The judgment was otherwise affirmed, and the court found the sentence not excessive.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Kennedy, J.P.; Scarpulla, J.; Mendez, J.; Rodriguez, J.; Rosado, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	May 21, 2026
DOCKET	Ind. No. 962/18; Appeal No. 6674; Case No. 2019-1864
DISPOSITION	other
PROCEDURAL POSTURE	Defendant appealed from a criminal judgment of the Supreme Court, New York County, challenging the sentence.
STANDARD OF REVIEW	The court reviewed whether the sentence was excessive and separately exercised its discretion in the interest of justice.
PRECEDENTIAL VALUE	Published intermediate appellate decision; the opinion is uncorrected and subject to revision before publication in the Official Reports.
PARTIES	Tyler Alvarez v. The People of the State of New York

TOPICS

- sentencing
- appellate procedure
- criminal procedure
- remedies

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice
- sentencing

QUESTIONS PRESENTED

1. Whether defendant's sentence was excessive.
2. Whether the Appellate Division should exercise its interest-of-justice powers to vacate the mandatory surcharge and fees imposed at sentencing.

HOLDINGS

1. The sentence was not excessive.
2. The court exercised its interest-of-justice powers to vacate the mandatory surcharge and fees imposed on defendant at sentencing.

KEY QUOTATIONS

“Judgment, Supreme Court, New York County (Ellen N. Biben, J.), rendered November 27, 2018, unanimously modified, as a matter of discretion in the interest of justice, to the extent of vacating the surcharge and fees imposed on defendant at sentencing, and otherwise affirmed.” ([*1])

FACTUAL BACKGROUND

The opinion provides no substantive account of the underlying offense or trial facts. It states only that defendant received a criminal sentence that included a mandatory surcharge and fees.

PROCEDURAL HISTORY

The Supreme Court, New York County, rendered judgment against defendant on November 27, 2018. On appeal, the Appellate Division found the sentence not excessive but exercised its interest-of-justice powers to vacate the mandatory surcharge and fees imposed at sentencing.

DISPOSITION

other

CASES CITED

- People v. Chirinos, 190 AD3d 434 [1st Dept 2021]

OPINION

People v. Alvarez 2026 NY Slip Op 03240

PER CURIAM.

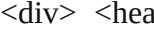
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uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, Respondent, v Tyler Alvarez, Defendant-Appellant. Decided and Entered: May 21, 2026 Ind No. 962/18|Appeal No. 6674|Case No. 2019-1864| Before: Kennedy, J.P., Scarpulla, Mendez, Rodriguez, Rosado, JJ. Twyla Carter, The Legal Aid Society, New York (Graham Ball of counsel), for appellant. Alvin L. Bragg, Jr., District Attorney, New York (Nathan Morgante of counsel), for respondent. [*1] Judgment, Supreme Court, New York County (Ellen N. Biben, J.), rendered November 27, 2018, unanimously modified, as a matter of discretion in the interest of justice, to the extent of vacating the surcharge and fees imposed on defendant at sentencing, and otherwise affirmed. Said appeal having been argued by counsel for the respective parties, due deliberation having been had thereon, and finding the sentence not excessive, However, based on our own interest of justice powers, we vacate the mandatory surcharge and fees imposed on defendant at sentencing (People v Chirinos , 190 AD3d 434 [1st Dept 2021]). We note that the People do not oppose this relief. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: May 21, 2026 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.

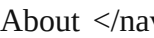
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People v Alvarez

2026 NY Slip Op 03240

May 21, 2026

Appellate Division, First Department

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This decision is uncorrected and subject to revision before publication in the Official Reports.

The People of the State of New York, Respondent,

v

Tyler Alvarez, Defendant-Appellant.

Decided and Entered: May 21, 2026

Ind No. 962/18|Appeal No. 6674|Case No. 2019-1864|

Before: Kennedy, J.P., Scarpulla, Mendez, Rodriguez, Rosado, JJ.

Twyla Carter, The Legal Aid Society, New York (Graham Ball of counsel), for appellant.

Alvin L. Bragg, Jr., District Attorney, New York (Nathan Morgante of counsel), for respondent.

[*1] Judgment, Supreme Court, New York County

(Ellen N. Biben, J.), rendered November 27, 2018, unanimously modified, as a matter of discretion in the interest of justice, to the extent of vacating the surcharge and fees imposed on defendant at sentencing, and otherwise affirmed.

Said appeal having been argued by counsel for the respective parties, due deliberation having been had thereon, and finding the sentence not excessive,

However, based on our own interest of justice powers, we vacate the mandatory surcharge and fees imposed on defendant at sentencing (*People v Chirinos*, 190 AD3d 434 [1st Dept 2021]). We note that the People do not oppose this relief.

THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 21, 2026

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