

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]