

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 120 SSM 4
The People &c.,
Respondent,
v.
Randy Paulino,
Appellant.

Submitted by Graham Ball, for appellant.
Submitted by Rafael Curbelo, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed.

Defendant was convicted of attempted murder in the second degree (Penal Law §§ 110.00; 125.25 [1]). His sole contention on appeal to the Appellate Division was that his

sentence is unduly harsh and severe and should be reduced in the interest of justice. The Appellate Division, over a two-Justice dissent, affirmed (233 AD3d 6 [1st Dept 2024]). It reasoned that while it “unquestionably” has the authority to reduce a sentence in the interest of justice “even in the absence of a sentencing court’s abuse of discretion or extraordinary circumstances,” exercising that authority was unwarranted because defendant’s sentence “is neither unduly harsh nor excessive” (*id.* at 8-9). The Appellate Division therefore applied the correct legal standard to defendant’s claim, and its responses to the dissent do not suggest otherwise (*see People v Brisman*, 43 NY3d 322, 324 [2025]). We have no basis to further review the Appellate Division’s determination (*see id.* at 324-325).

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided September 18, 2025