

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Webber, J.P., Kennedy, Kapnick, González, O'Neill Levy, JJ.

6280

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

Ind. No. 72940/24
Case No. 2025-01192

-against-

JOSUE DELEON,
Defendant-Appellant.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (Marianne Yang of counsel), appellant.

Judgment, Supreme Court, New York County (April Newbauer, J.), rendered January 23, 2025, convicting defendant, upon his plea of guilty, of attempted assault in the first degree, and sentencing him to 3½ years followed by 2½ years of post-release supervision, 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: April 7, 2026



Susanna Molina Rojas
Clerk of the Court