

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

Renwick, J.P., Friedman, Kapnick, Pitt-Burke, O'Neill Levy, JJ.

6576

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

Ind. No. 70049/22
Case No. 2024-05017

-against-

JAMES MARTINEZ,
Defendant-Appellant.

Jenay Nurse Guilford, Center for Appellate Litigation, New York (David J. Klem of counsel), for appellant.

Judgment, Supreme Court, New York County (Gregory Carro, J.), rendered September 13, 2023, convicting him of criminal possession of a firearm, and sentencing him to a conditional discharge, 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.

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 12, 2026



Susanna Molina Rojas
Clerk of the Court