

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

| Webber, J.P., | Friedman, | González, | O'Neill Levy, | Michael, JJ. |

6107 | THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

| Ind. No. 73400/23 |
| Case No. 2025-00296 |

-against-

KWESI PROPHETE,
Defendant-Appellant.

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

Alvin L. Bragg, Jr., District Attorney, New York (Jacob C. Marcus of counsel), for
respondent. |

| An appeal having been taken to this Court by the above-named appellant from a
judgment of the Supreme Court, New York County (Marisol Martinez Alonso, J.),
rendered December 11, 2024, |

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

It is unanimously ordered that the judgment so appealed from be and the same is
hereby 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 (*see People v Chirinos*, 190 AD3d 434 [1st Dept 2021]). We note that the People do not oppose this relief.

The decision and Order of this Court entered herein on (February 19, 2026) is hereby recalled and vacated (see M-1511 decided simultaneously herewith). |

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

ENTERED: June 25, 2026

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Susanna Molina Rojas
Clerk of the Court