

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D79375
A/jr

_____AD3d_____

Submitted - December 11, 2025

COLLEEN D. DUFFY, J.P.
WILLIAM G. FORD
LAURENCE L. LOVE
DONNA-MARIE E. GOLIA, JJ.

2022-09415

DECISION & ORDER

The People, etc., respondent,
v Kemaul Reid, appellant.

(Ind. No. 4501/19)

Patricia Pazner, New York, NY (Anders Nelson of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Morgan J. Dennehy, and Evan A. Esswein of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Dena E. Douglas, J.), rendered November 17, 2022, convicting him of assault in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is modified, on the law and as a matter of discretion in the interest of justice, by vacating the imposition of a mandatory surcharge and fees; as so modified, the judgment is affirmed.

The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal (*see People v Thomas*, 34 NY3d 545; *People v Lopez*, 6 NY3d 248). The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive (*see People v Lopez*, 6 NY3d at 255).

Criminal Procedure Law § 420.35(2-a) permits the waiver of surcharges and fees for individuals, like the defendant, who were less than 21 years old at the time of the subject crime. The People do not contend that review of this issue is precluded by the waiver of the right to appeal, and they consent to the waiver of the surcharge and fees. Given the People's consent, and pursuant to the exercise of our interest of justice jurisdiction, we modify the judgment by vacating the surcharge

December 31, 2025

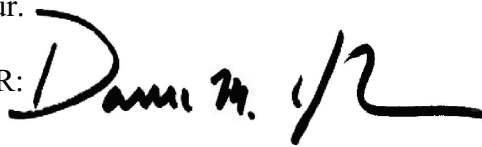
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and fees imposed (*see id.* § 420.35[2-a][c]).

DUFFY, J.P., FORD, LOVE and GOLIA, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Darrell M. Joseph", with a stylized flourish at the end.

Darrell M. Joseph
Clerk of the Court