

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

D80442

C/

_____AD3d_____

Submitted - April 16, 2026

COLLEEN D. DUFFY, J.P.
BETSY BARROS
BARRY E. WARHIT
LISA S. OTTLEY, JJ.

2023-07315

DECISION & ORDER

The People, etc., respondent,
v Jamar Bashight, appellant.

(Ind. No. 73686/22)

Patricia Pazner, New York, NY (Clisha M. D’Souza on the brief), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Melissa Owen of counsel; Hannah Thomas on the brief), for respondent.

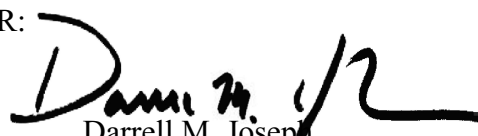
Appeal by the defendant from a judgment of the Supreme Court, Kings County (Eugene Guarino, J.), rendered July 14, 2023, convicting him of assault in the third degree, upon his plea of guilty, and imposing sentence.

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.

“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” (*People v Cabrera*, 222 AD3d 878, 879). In light of the defendant’s age at the time of the crime and his indigency, pursuant to the exercise of our interest of justice jurisdiction, and as consented to by the People, we modify the judgment by vacating so much of the sentence as imposed a mandatory surcharge and fees (*see CPL 420.35[2-a][c]*; *People v Odesanya*, 225 AD3d 631, 632).

DUFFY, J.P., BARROS, WARHIT and OTTLEY, JJ., concur.

ENTER:


Darrell M. Joseph
Clerk of the Court

May 20, 2026

PEOPLE v BASHIGHT, JAMAR