

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

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**KA 24-01346**

PRESENT: MONTOUR, J.P., SMITH, GREENWOOD, NOWAK, AND HANNAH, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

CALVIN CAMPBELL, DEFENDANT-APPELLANT.

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JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (TONYA PLANK OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (MARTIN P. MCCARTHY, II, OF COUNSEL), FOR RESPONDENT.

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Appeal from a resentence of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered February 28, 2024. Defendant was resentenced upon a conviction of assault in the second degree.

It is hereby ORDERED that the resentence so appealed from is unanimously affirmed.

Memorandum: Defendant was convicted upon his plea of guilty of assault in the second degree (Penal Law § 120.05 [2]) and now appeals from the resentence. We affirm.

Assuming, arguendo, that defendant's waiver of the right to appeal is invalid or otherwise does not encompass his challenge to the severity of the resentence (*see People v Odle*, 233 AD3d 1502, 1503 [4th Dept 2024], *lv denied* 43 NY3d 965 [2025]; *People v Knorr*, 195 AD3d 1573, 1574 [4th Dept 2021], *lv denied* 37 NY3d 993 [2021]; *see generally People v Jirdon*, 159 AD3d 1518, 1519 [4th Dept 2018]), we nevertheless conclude that the resentence is not unduly harsh or severe.

Entered: February 11, 2026

Ann Dillon Flynn  
Clerk of the Court