

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

524

KA 25-00438

PRESENT: WHALEN, P.J., CURRAN, OGDEN, GREENWOOD, AND HANNAH, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TERRICK FICKLIN, DEFENDANT-APPELLANT.

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

BRIAN P. GREEN, DISTRICT ATTORNEY, ROCHESTER (MERIDETH H. SMITH OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered November 13, 2024. The judgment convicted defendant upon his plea of guilty of robbery in the second degree.

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

Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of robbery in the second degree (Penal Law § 160.10 [1]). We affirm. As the People correctly concede, defendant's waiver of the right to appeal is invalid (*see People v Small*, – AD3d –, –, 2026 NY Slip Op 03560, *1 [4th Dept 2026]; *see generally People v Thomas*, 34 NY3d 545, 565-566 [2019], *cert denied* 589 US 1302 [2020]; *People v Anderson*, 243 AD3d 1286, 1286-1287 [4th Dept 2025], *lv denied* 44 NY3d 1064 [2026]), and therefore does not preclude our review of his challenge to the severity of the sentence (*see People v Mendoza*, 37 NY3d 1075, 1076 [2021]). We nevertheless conclude that the sentence is not unduly harsh or severe.

Entered: June 26, 2026

Ann Dillon Flynn
Clerk of the Court