

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

**992**

**KA 19-01821**

PRESENT: CENTRA, J.P., PERADOTTO, TROUTMAN, WINSLOW, AND DEJOSEPH, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

SIMEON J. MCDANIELS, DEFENDANT-APPELLANT.

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TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (JANET C. SOMES OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (LISA GRAY OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered April 26, 2017. The judgment convicted defendant upon a plea of guilty of robbery in the second degree (two counts).

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 two counts of robbery in the second degree (Penal Law § 160.10 [1], [2] [a]). We decline to grant defendant's request that we exercise our interest of justice jurisdiction to adjudicate him a youthful offender. Considering the "broad range of factors pertinent to any youthful offender determination" (*People v Middlebrooks*, 25 NY3d 516, 527 [2015]; see *People v Cruickshank*, 105 AD2d 325, 334 [3d Dept 1985], *affd* 67 NY2d 625 [1986]), we conclude that defendant should not be afforded youthful offender status under the circumstances of this case. Defendant participated in an admittedly violent crime, he received a prior youthful offender adjudication, he violated the terms of the plea agreement here, and the presentence report did not recommend youthful offender status (see *People v Abdul-Jaleel*, 142 AD3d 1296, 1298-1299 [4th Dept 2016], *lv denied* 29 NY3d 946 [2017]). Contrary to defendant's further contention, the period of postrelease supervision is not unduly harsh or severe.

Entered: November 12, 2021

Ann Dillon Flynn  
Clerk of the Court