

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

216

KA 16-00980

PRESENT: WHALEN, P.J., CENTRA, NEMOYER, AND CURRAN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

KHARYE JARVIS, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (DAVID R. JUERGENS OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (SCOTT MYLES OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered June 2, 2016. The appeal was held by this Court by order entered August 20, 2020, decision was reserved and the matter was remitted to Supreme Court, Monroe County, for further proceedings (186 AD3d 1086 [4th Dept 2020]). The proceedings were held and completed.

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

Memorandum: We previously held this case, reserved decision, and remitted the matter to Supreme Court to make and state for the record a determination whether defendant should be afforded youthful offender status (*People v Jarvis*, 186 AD3d 1086, 1087 [4th Dept 2020]). In that prior decision, we rejected defendant's remaining contentions. Upon remittal, with all parties present, the court determined that defendant, although eligible, should not be afforded youthful offender status. Defendant raises no contentions on resubmission, and we therefore affirm the judgment.

Entered: March 11, 2022

Ann Dillon Flynn
Clerk of the Court