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Summarizing recent significant
New York appellate cases

If a sentencing court fails to make a mandatory youthful offender determination prior to sentencing an eligible criminal defendant, and the defendant, for whatever reason, does not file a direct appeal from their judgment of conviction, can they then raise the trial court's failure in a post-conviction motion? The Court of Appeals held recently that they can. Let's take a look at that opinion and what else has been going on in the New York appellate courts over the last week.

COURT OF APPEALS

CIVIL PROCEDURE, OFFER TO COMPROMISE, ATTORNEYS' FEES AWARD

Ramires v AGDG Car Wash Corp., 2026 NY Slip Op 06857 (Ct App Nov. 19, 2026)

Issue: **Are attorney's fees included in a settlement offer under CPLR 3221—known as an "offer to compromise"—where the offer did not mention fees and where fee awards are authorized under New York's Labor Law, such that a plaintiff's acceptance of the offer would not preclude them from subsequently seeking attorney's fees?**

Facts: "Plaintiffs commenced this class action in Supreme Court seeking damages for defendants' alleged violations of New York's wage and hour laws, including improper tip retention and failure to pay both minimum wage and overtime. After class certification and substantial discovery, defendants availed themselves of the remedy delineated in CPLR 3221 by serving plaintiffs with a written settlement offer 'to allow judgment to be taken against them for the sum of $150,000, including costs accrued to the date of the offer.' Under CPLR 3221, if plaintiffs did not timely accept the offer, they risked having to pay for defendants' subsequent 'costs" if they failed to obtain a more favorable judgment at trial."

Plaintiffs accepted the offer of compromise, and the court entered judgment. "Plaintiffs then moved to recover their attorney's fees as the prevailing party in a wage and hour case, under Labor Law §§ 198 (1-a)-(1-b), (1-d), and 663 (1). After a hearing, Supreme Court awarded plaintiffs attorney's fees in the amount of $205,800, and a judgment for that amount was entered."

Defendants appealed the fee award, and the Appellate Division reversed, holding that "when there is no express reservation of rights with respect to the derivative issue of attorneys' fees, it must be deemed to have been waived and subsumed in the negotiated settlement. As a result, the Appellate Division held that plaintiffs were not entitled to attorney's fees because they agreed to a settlement by offer of compromise without expressly reserving their rights to an award of attorneys' fees."

Holding: The Court of Appeals reversed, holding that "plaintiffs are entitled to seek attorney's fees after accepting defendants' offer under CPLR 3221." The Court explained that CPLR 3221 expressly references "costs," but makes no mention of attorneys' fees, which the Court held meant that the Legislature did not intend to include attorneys' fees as waived under an offer of compromise. "The legislative history of the provision is consistent with this understanding. The drafters of the CPLR had originally proposed using the threat of attorney's fees to incentivize a plaintiff's acceptance of an offer to compromise . . . However, during the drafting process, the reference to attorney's fees was intentionally removed from the rule. The drafters commented on the change: 'Attorneys' fees are not a part of these costs so that the rule provides far less inducement to offer a compromise than it did in the 1960 draft'. The legislative history therefore clarifies that attorney's fees are not included as 'costs' under Rule 3221."

In light of the statutory language and history, the Court concluded that "CPLR 3221 is a statutory mechanism for obtaining a settlement without negotiation. Defendants' offer used terms that tracked the language of the statute. Those terms are therefore dictated by the statute. For these reasons, we hold that attorney's fees are not presumptively subsumed within the term 'costs' in an offer to compromise made and accepted pursuant to CPLR 3221. Consequently, plaintiffs could recover attorney's fees if there was statutory authority providing for such fees. The Labor Law authorizes employees who prevail in wage and hour cases to seek reasonable attorney's fees from their employers. Since neither the terms of defendants' offer nor the language of CPLR 3221 prevented plaintiffs from receiving attorney's fees, the Appellate Division erred in holding that they were not available to plaintiffs after they agreed to defendants' offer to compromise."

CRIMINAL LAW, POST-CONVICTION RELIEF, YOUTHFUL OFFENDER

***People v Jaleel S.*, 2026 NY Slip Op 06858 (Ct App Nov. 19, 2026)**

Issue: May a criminal defendant raise a claim under People v. Rudolph (24 N.Y.3d 497 (2013)) that the sentencing court failed to determine whether he should be treated as a youthful offender through a post-conviction CPL 440.20 motion?

Facts: "In 2017, a pair of sixteen-year-olds, Jaleel S. and S. K., were indicted for robbery in the first and second degrees, assault in the second degree, and grand larceny in the fourth degree. Jaleel S. grabbed the cellphone of sixty-six-year-old Mohammed Alam, and the two teens ran off with it. Mr. Alam gave chase; S.K. punched him. Mr. Alam fell and hit his head; he was hospitalized with a brain injury. Mr. Alam died four months later."

Jaleel pled guilty to robbery in the first degree, and received a sentence of 10 years incarceration. As part of the plea deal, Jaleel agreed that he would not receive a youthful offender designation, but the trial court failed to make any determination of his eligibility for youthful offender status prior to finalizing the plea. Jaleel did not appeal, and his judgment of conviction became final in May 2018.

"In September 2022, Jaleel moved in Supreme Court pursuant to CPL 440.20 to set aside his sentence on the ground that the court failed to make a youthful offender determination at sentencing as required by CPL 720.10 and 720.20. Supreme Court denied the motion. Although recognizing that the sentencing judge did commit an error by failing to make a youthful offender determination, the court held that Jaleel could raise the issue only on direct appeal and not via a CPL 440.20 motion." The unanimous Appellate Division reversed, and a Judge of the Court of Appeals granted the People leave to appeal.

Holding: The Court of Appeals affirmed. The Court explained, "[u]nder CPL 720.10, all defendants charged with a crime committed when they were younger than 19 are 'eligible' for youthful offender status, unless the crime is one of several serious felonies excluded by the statute, or unless defendant has a prior felony conviction or has been adjudicated a youthful offender in a previous case." CPL 720.20 requires that a trial court make a determination of youthful offender status for all eligible defendants. "For some eligible youths convicted of misdemeanors, youthful offender treatment is mandatory. For all other eligible defendants, whether to grant youthful offender status lies within the discretion of the sentencing court. If the court grants youthful offender status, the conviction is deemed vacated and replaced by a youthful offender finding. That finding entails significant advantages, including a four-year limit on the maximum prison sentence that can be imposed in a felony case, the sealing of records relating to the prosecution, and the avoidance of disabilities that might otherwise result from a conviction, including disqualification from public office and public employment."

With respect to the proper procedure to bring a claim that the trial court failed to make the mandatory youthful offender status determination, the Court noted that unlike CPL 440.10, which bars claims that could have been raised on direct appeal, "a motion pursuant to CPL 440.20 to set aside a sentence may be brought even though the illegality upon which it is grounded presently is appealable or could with due diligence have been appealed." Thus, the Court first concluded that Jaleel's failure to bring a timely direct appeal from his judgment of conviction did not bar this post-conviction motion.

The Court further explained that "CPL 720.20 sets forth just two sentencing tracks, both of which must follow a youthful offender determination. The statute thus does not contemplate sentencing absent a determination under CPL 720.20 (1). Moreover, CPL 720.20 authorizes the court to sentence an eligible youth 'pursuant to the ordinary rules governing criminal prosecutions' only 'upon determining' that the youth is not a youthful offender. We have long recognized that errors concerning youthful offender eligibility are subject to appellate review because they implicate the legality of the sentence itself or violate the statutory scheme . . . That is, because the unequivocal language of CPL 720.20 makes the threshold youthful offender determination mandatory rather than discretionary, a sentence imposed without that determination is not authorized by CPL 720.20 (1)."

The Court rejected the People's argument that "because a youthful offender determination, if made in the defendant's favor, will lead to the replacement of the underlying conviction with a 'youthful offender finding, that must mean that CPL 440.20 is an improper vehicle for *Rudolph* errors." Rather, it concluded, "when a CPL 440.20 motion is granted, only the sentence itself is set aside, and it is only at the *subsequent* resentencing stage that a youthful offender determination is made at all, which may or may not then lead to a youthful offender finding that replaces the conviction. In other words, CPL 440.20 authorizes vacatur of the sentence without disturbing the underlying conviction, and any subsequent vacatur of the conviction resulting from a youthful offender finding is governed by CPL 720.20, not CPL 440.20. The proposition that a CPL 440.20 grant by itself 'does not affect' the underlying conviction should not be interpreted to mean that a CPL 440.20 motion cannot be part of any causal chain that might eventually lead to the replacement of a conviction at a later stage of the proceedings—it merely provides that when an unlawful sentence is set aside, the conviction remains in place until and unless the subsequent youthful offender determination replaces it with a youthful offender finding."

Finally, the Court explained, "[i]n a case like Jaleel's, where, for whatever reason, an eligible youth misses the 30-day deadline for filing a direct appeal, it serves no purpose to then require him to go through the long and cumbersome process of coram nobis, which, even if successful, just reinstates the right to an appeal so that the defendant can next seek a remand on the basis of a *Rudolph* error and only then have his request for youthful offender treatment considered by the sentencing court. By contrast, allowing *Rudolph* errors to be raised through a CPL 440.20 motion is entirely consistent with the youth offender statute's purpose, as well as the purpose of CPL 440.20, which is to allow a defendant to challenge any illegal sentence promptly in the trial court without compelling the defendant to pursue the more lengthy and cumbersome appellate procedure. The unnecessary delay is especially unacceptable in the youthful offender con-

text, where the Legislature sought to spare certain young people the stigma and practical consequences of a criminal record and to afford those capable of rehabilitation the opportunity for a fresh start, without a criminal record. Requiring years of appellate litigation just to get the sentencing court to perform a mandatory determination that should have occurred long ago deprives eligible youths, during some of the most formative years of their lives, of the 'fresh start' the youthful offender scheme means to provide."

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