

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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_____AD3d_____

Submitted - November 14, 2007

ROBERT A. SPOLZINO, J.P.
PETER B. SKELOS
ROBERT A. LIFSON
WILLIAM E. McCARTHY, JJ.

2005-04741

DECISION & ORDER

The People, etc., respondent,
v Christopher Thompson, appellant.

(Ind. No. 5288/02)

Lynn W. L. Fahey, New York, N.Y., for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Solomon Neubort of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Ferdinand, J.), rendered April 28, 2005, convicting him of attempted robbery in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is reversed, on the law, the plea is vacated, and the matter is remitted to the Supreme Court, Kings County, for further proceedings in accordance herewith.

The court's failure to advise the defendant at the time of the plea that his sentence would include a mandatory period of postrelease supervision prevented his plea from being knowing, voluntary, and intelligent (*see People v Hill*, 9 NY3d 189; *People v Louree*, 8 NY3d 541, 545; *People v Catu*, 4 NY3d 242, 245). Accordingly, the judgment is reversed, the plea is vacated, and the matter is remitted to the Supreme Court, Kings County for further proceedings.

SPOLZINO, J.P., SKELOS, LIFSON and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 8, 2008

PEOPLE v THOMPSON, CHRISTOPHER