

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

D19998
O/prt

_____AD3d_____

Submitted - June 3, 2008

PETER B. SKELOS, J.P.
HOWARD MILLER
EDWARD D. CARNI
CHERYL E. CHAMBERS, JJ.

2006-06306

DECISION & ORDER

The People, etc., respondent,
v Michael S. Bernard, appellant.

(Ind. No. 139/06)

Gary E. Eisenberg, New City, N.Y., for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Bridget Rahilly Steller of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Dutchess County (Dolan, J.), rendered June 20, 2006, convicting him of robbery in the second degree, upon a 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 County Court, Dutchess County, for further proceedings.

The plea minutes do not reveal whether the defendant was informed, prior to entering his plea, that his sentence would necessarily include a period of post-release supervision. Therefore, as the People correctly concede, the plea must be vacated (*see People v Louree*, 8 NY3d 541; *People v Catu*, 4 NY3d 242).

SKELOS, J.P., MILLER, CARNI and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 15, 2008

PEOPLE v BERNARD, MICHAEL S.