

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

D21656
G/hu

_____AD3d_____

Submitted - December 3, 2008

PETER B. SKELOS, J.P.
MARK C. DILLON
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2006-01309

DECISION & ORDER

The People, etc., respondent,
v Derrick Lorick, appellant.

(Ind. No. 05-00428)

Philip H. Schnabel, Chester, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Robert H. Middlemiss and Andrew R. Kass of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (DeRosa, J.), rendered December 6, 2005, convicting him of robbery in the first degree, upon his plea of guilty, and imposing sentence.

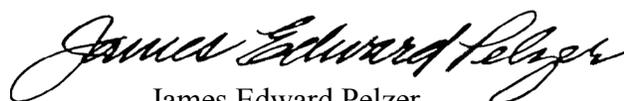
ORDERED that the judgment is reversed, on the law, the plea is vacated, and the matter is remitted to the County Court, Orange County, for further proceedings.

The plea minutes reveal that the defendant was not informed, prior to entering his plea, that his sentence would necessarily include a period of postrelease supervision. Therefore, the plea must be vacated (*see People v Louree*, 8 NY3d 541; *People v Catu*, 4 NY3d 242, 245; *People v Bernard*, 53 AD3d 586; *People v Cook*, 49 AD3d 777; *People v Thompson*, 47 AD3d 648).

In light of our determination, we need not reach the defendant's remaining contention that the sentence was excessive.

SKELOS, J.P., DILLON, CARNI and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 10, 2009

PEOPLE v LORICK, DERRICK