

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

D22024
C/kmg

_____AD3d_____

Submitted - January 13, 2009

REINALDO E. RIVERA, J.P.
HOWARD MILLER
EDWARD D. CARNI
WILLIAM E. McCARTHY, JJ.

2006-11321

DECISION & ORDER

The People, etc., respondent,
v Noslen Borrego, appellant.

(Ind. No. 4976/01)

Steven Banks, New York, N.Y. (Eve Kessler of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Solomon Neubort of counsel; Xiaobo [Peter] Chen on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Barros, J., at plea, Tomei, J., at sentencing), rendered November 27, 2006, 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 of guilty is vacated, and the matter is remitted to the Supreme Court, Kings County, for further proceedings.

As the People correctly concede, the failure of the court to advise the defendant, at the time of the plea, that his sentence would include a period of postrelease supervision requires reversal of the judgment of conviction (*see People v Hill*, 9 NY3d 189, 191-192; *People v Louree*, 8 NY3d 541, 544-545; *People v Catu*, 4 NY3d 242, 245; *People v Stewart*, 57 AD3d 581; *People v Bernard*, 53 AD3d 586, 586-587; *People v Cook*, 49 AD3d 777, 777-778; *People v Lipscombe*, 49 AD3d 781, 782).

The defendant's remaining contention is without merit.

RIVERA, J.P., MILLER, CARNI and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

February 3, 2009

PEOPLE v BORREGO, NOSLEN