

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

D33993  
Y/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - February 1, 2012

PETER B. SKELOS, J.P.  
THOMAS A. DICKERSON  
L. PRISCILLA HALL  
SHERI S. ROMAN  
JEFFREY A. COHEN, JJ.

---

2010-08265

DECISION & ORDER

The People, etc., respondent,  
v Vidyanand Ramnaraine, appellant.

(Ind. No. 804/05)

---

The Mirvis Law Firm, P.C., Brooklyn, N.Y. (Tony Mirvis of counsel), for appellant.

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Edward F. X. Hart and  
Drake A. Colley of counsel), for respondent.

Appeal by the defendant from an amended judgment of the Supreme Court, Kings County (Brennan, J.), rendered August 2, 2010, revoking a sentence of probation previously imposed by the County Court, Schenectady County (Cortese, J.), upon a finding that he violated a condition thereof, upon his admission, and imposing a sentence of imprisonment upon his previous conviction of assault in the second degree.

ORDERED that the amended judgment is affirmed.

The defendant failed to preserve for appellate review his claim that his admission to violating the conditions of his probation was not voluntary because the Supreme Court failed to advise him about the deportation consequences of his admission (*see* CPL 470.05[2]; *People v Vasquez*, 85 AD3d 1068; *People v Decker*, 83 AD3d 731, 732). In any event, the Supreme Court's failure to advise the defendant of the possible deportation consequences of admitting to a probation violation did not render his admission involuntary (*see* CPL 220.50[7]; *People v Ford*, 86 NY2d 397, 403; *People v Romero*, 82 AD3d 1013; *cf. Padilla v Kentucky*, \_\_\_ US \_\_\_, 130 S Ct 1473).

February 14, 2012

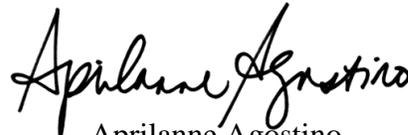
Page 1.

PEOPLE v RAMNARAIN, VIDYANAND

The defendant's contention that he was deprived of the effective assistance of counsel rests on matter dehors the record, which cannot be reviewed on direct appeal (*see People v Rohlehr*, 87 AD3d 603; *People v Griffith*, 78 AD3d 1194, 1196; *People v Wiedmer*, 71 AD3d 1067).

SKELOS, J.P., DICKERSON, HALL, ROMAN and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court