

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

D35162
C/prt

_____AD3d_____

Submitted - May 7, 2012

REINALDO E. RIVERA, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
ROBERT J. MILLER, JJ.

2011-03882

DECISION & ORDER

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

(Ind. No. 2176/10)

Arza R. Feldman, Uniondale, N.Y. (Steven A. Feldman of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Grazia DiVincenzo of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Efman, J.), rendered April 5, 2011, convicting him of attempted burglary in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is modified, on the law, by vacating the sentence imposed; as so modified, the judgment is affirmed, and the matter is remitted to the County Court, Suffolk County, for resentencing in accordance herewith.

The County Court failed to pronounce sentence, in violation of its obligation under CPL 380.20. Accordingly, the sentence must be vacated and the matter remitted to the County Court, Suffolk County, for resentencing on the conviction of attempted burglary in the second degree (*see* Penal Law §§ 110.00, 140.25) in accordance with CPL 380.20 (*see People v Henry*, 80 AD3d 625, 626; *People v White*, 72 AD3d 993, 994; *People v Robinson*, 69 AD3d 885, 885).

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

RIVERA, J.P., DICKERSON, HALL and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

June 6, 2012

PEOPLE v MCGHEE, CHRISTOPHER