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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 169 SSM 24
The People &c.,
Respondent,
v.
Ivin Williams,
Appellant.

Submitted by Mark W. Zeno, for appellant.
Submitted by Matthew C. Williams, for respondent.

MEMORANDUM:

The order of the Appellate Division should be reversed,
the resentence vacated and the original sentence reinstated.

In June 2001, defendant pleaded guilty to attempted
first-degree robbery and was promised a sentence of seven years
imprisonment. Postrelease supervision (PRS) was not discussed

during the plea proceeding or at sentencing. In November 2008 -- more than one year after defendant was released from prison -- defendant returned to court and Supreme Court, in error, resentenced him, adding a five-year period of PRS. The Double Jeopardy Clause of the federal constitution precludes a court from adding PRS to a defendant's sentence once the defendant has already been released from imprisonment (see People v Williams, 14 NY3d 198, 217 [2010]).

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On review of submissions pursuant to section 500.11 of the Rules, order reversed, the resentence vacated and the original sentence reinstated, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided June 17, 2010