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

No. 170 SSM 25
The People &c.,
Respondent,
v.
William Hassell,
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 November 2002, defendant pleaded guilty to second
degree assault and was promised a sentence of 3½ years
imprisonment. Although postrelease supervision (PRS) was

discussed during the plea proceeding, Supreme Court did not inform defendant of the specific term of PRS it intended to impose. Moreover, Supreme Court did not pronounce PRS at sentencing. In December 2008 -- more than nine months 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 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