

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Manzanet-Daniels, J.P., Kapnick, Rodriguez, Pitt-Burke, O'Neill Levy, JJ.

6528

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

Ind. No. 659/17
Case No. 2019-03753

-against-

DOMINIQUE PARROTT,
Defendant-Appellant.

Twyla Carter, The Legal Aid Society, New York (Désirée Sheridan of counsel), for appellant.

Alvin L. Bragg, Jr., District Attorney, New York (Matthew Osnowitz of counsel), for respondent.

Judgment, Supreme Court, New York County (Juan M. Merchan, J.), rendered May 6, 2019, convicting defendant, upon his plea of guilty, of burglary in the second degree and criminal trespass in the second degree, and sentencing him to a prison term of 3½ years followed by 5 years of postrelease supervision on the burglary count and a concurrent term of one year on the criminal trespass count, unanimously modified, on the law, to the extent of vacating his conviction of criminal trespass in the second degree, and otherwise affirmed.

Defendant did not validly waive his right to appeal, as the record does not establish that defendant had a “full appreciation of the consequences” of the waiver (*People v Thomas*, 34 NY3d 545, 560 [2019], *cert denied* 589 US 1302 [2020] [internal quotation marks omitted]). Nevertheless, we perceive no basis for reducing the five-year term of postrelease supervision.

As the People concede, defendant's conviction and sentence for criminal trespass in the second degree must be vacated because he "did not plead guilty to that offense" (*People v Alexander*, 62 AD3d 719, 720 [2d Dept 2009], *lv denied* 13 NY3d 794 [2009]; *see also People v Rosario*, 22 AD3d 871, 872 [2d Dept 2005], *lv denied* 6 NY3d 780 [2006]).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 5, 2026

A handwritten signature in black ink, appearing to read "Susanna M. Rojas". The signature is fluid and cursive, with the first name "Susanna" and the last name "Rojas" being the most prominent parts.

Susanna Molina Rojas
Clerk of the Court