

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

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ALAN D. SCHEINKMAN, P.J.  
WILLIAM F. MASTRO  
SHERI S. ROMAN  
HECTOR D. LASALLE  
LINDA CHRISTOPHER, JJ.

2016-03390

DECISION & ORDER

The People, etc., respondent,  
v Josue Desir, appellant.

(Ind. No. 5176/13)

Paul Skip Laisure, New York, NY (Sean H. Murray of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Victor Barall of counsel; Masha Simonova on the memorandum), for respondent.

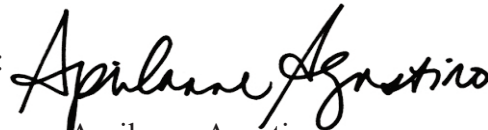
Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Matthew J. D’Emic, J.), imposed February 24, 2016, upon his plea of guilty, on the ground that the period of postrelease supervision imposed was excessive.

ORDERED that the sentence is affirmed.

The defendant’s purported waiver of his right to appeal was invalid (*see People v Bradshaw*, 18 NY3d 257, 267; *People v Brown*, 122 AD3d 133, 137; *People v Johnson*, 109 AD3d 1004) and, thus, does not preclude review of this excessive sentence claim. However, the period of postrelease supervision imposed as part of the sentence was not excessive (*see People v Suitte*, 90 AD2d 80).

SCHEINKMAN, P.J., MASTRO, ROMAN, LASALLE and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

May 23, 2018

PEOPLE v DESIR, JOSUE