

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

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Submitted - June 13, 2018

MARK C. DILLON, J.P.  
SANDRA L. SGROI  
SYLVIA O. HINDS-RADIX  
VALERIE BRATHWAITE NELSON  
ANGELA G. IANNACCI, JJ.

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2017-03548

DECISION & ORDER

The People, etc., respondent,  
v Quanisha Hankerson, appellant.

(Ind. No. 1861/16)

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The Legal Aid Society, New York, NY (Harold V. Ferguson, Jr., of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Gamaliel Marrero of counsel; Marielle Burnett on the memorandum), for respondent.

Appeal by the defendant, as limited by her motion, from a sentence of the Supreme Court, Kings County (Martin P. Murphy, J.), imposed March 3, 2017, upon her plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

The defendant's purported waiver of her right to appeal was invalid because the court did not make it clear that the waiver of appeal was separate and distinct from the trial rights which the defendant automatically waived as a result of her plea (*see People v Chambers*, 142 AD3d 672) and, thus, does not preclude review of her excessive sentence claim. However, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

DILLON, J.P., SGROI, HINDS-RADIX, BRATHWAITE NELSON and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

August 15, 2018

PEOPLE v HANKERSON, QUANISHA