

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

D56666  
M/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - August 22, 2018

JOHN M. LEVENTHAL, J.P.  
LEONARD B. AUSTIN  
JEFFREY A. COHEN  
BETSY BARROS  
LINDA CHRISTOPHER, JJ.

---

2013-08719

DECISION & ORDER

The People, etc., respondent,  
v Joey Reillo, appellant.

(Ind. No. 4832/11)

---

Paul Skip Laisure, New York, NY (Lynn W. L. Fahey of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Anthea H. Bruffee of counsel; Avery Heisler on the memorandum), for respondent.


Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Neil Jon Firetog, J.), imposed March 8, 2013, upon his plea of guilty, on the ground that the sentence 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, 264; *People v Little*, 127 AD3d 1235, 1235-1236; *People v Brown*, 122 AD3d 133, 137). The record does not demonstrate that the defendant understood the distinction between the right to appeal and the other trial rights that are forfeited incident to a plea of guilty (*see People v Kupersmidt*, 152 AD3d 797, 798; *People v Burnett-Hicks*, 133 AD3d 773). Thus, the purported waiver does not preclude review of the defendant's excessive sentence claim. However, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

LEVENTHAL, J.P., AUSTIN, COHEN, BARROS and CHRISTOPHER, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

September 26, 2018

PEOPLE v REILLO, JOEY