

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

D57376
O/htr

_____AD3d_____

Submitted - October 31, 2018

RUTH C. BALKIN, J.P.
SANDRA L. SGROI
BETSY BARROS
LINDA CHRISTOPHER, JJ.

2017-11132

DECISION & ORDER

The People, etc., respondent,
v Justin Venture, appellant.

(S.C.I. No. 1604/17)

Paul Skip Laisure, New York, NY (Benjamin Welikson of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, NY (John M. Castellano and
Johnnette Traill of counsel; Kristin Rainis on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme
Court, Queens County (Suzanne J. Melendez, J.), imposed September 7, 2017, upon his plea of
guilty, on the ground that the sentence was excessive.

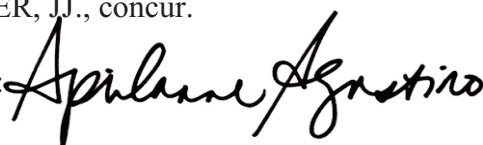
ORDERED that the sentence is affirmed.

The defendant's purported waiver of his right to appeal was invalid because the
Supreme Court's colloquy conflated the right to appeal with the rights that are automatically
forfeited on a plea of guilty (*see People v Johnson*, _____ AD3d _____, 2018 NY Slip Op 06564
[2d Dept 2018]; *People v Valentin*, 162 AD3d 693; *People v Ruiz*, 156 AD3d 912, 913; *People v
Soto*, 155 AD3d 979; *People v Ribner*, 153 AD3d 1435; *see generally People v Bradshaw*, 18 NY3d
257, 264). Thus, the waiver does not preclude appellate review of the defendant's claim that his
sentence was excessive.

The sentence imposed was not excessive (*see People v Suite*, 90 AD2d 80).

BALKIN, J.P., SGROI, BARROS and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

November 28, 2018

PEOPLE v VENTURE, JUSTIN