

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

D57526  
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Submitted - September 26, 2018

WILLIAM F. MASTRO, J.P.  
ROBERT J. MILLER  
COLLEEN D. DUFFY  
HECTOR D. LASALLE, JJ.

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2017-03408

DECISION & ORDER

The People, etc., respondent,  
v Robert Dunn, appellant.

(Ind. No. 1782/14)

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Paul Skip Laisure, New York, NY (Angad Singh of counsel), for appellant.

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

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (Ronald D. Hollie, J.), imposed February 15, 2017, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

Contrary to the People's contention, 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). The record of the plea proceedings fails to establish that the defendant understood that the appeal waiver was separate and distinct from those rights automatically forfeited upon a plea of guilty, and the Supreme Court simultaneously advised the defendant that he would be waiving both his right to appeal and his right to a jury trial as a consequence of his plea (*see People v Bradshaw*, 18 NY3d at 264; *People v Lopez*, 6 NY3d 248, 256). However, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

MASTRO, J.P., MILLER, DUFFY and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

December 5, 2018

PEOPLE v DUNN, ROBERT