

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

D80406
Q/

_____AD3d_____

Submitted - April 15, 2026

BETSY BARROS, J.P.
VALERIE BRATHWAITE NELSON
BARRY E. WARHIT
LOURDES M. VENTURA
SUSAN QUIRK, JJ.

2023-10192

DECISION & ORDER

The People, etc., respondent,
v Andrew Jointe, appellant.

(Ind. No. 73954/22)

Patricia Pazner, New York, NY (Sankeerth Saradhi of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Morgan J. Dennehy of counsel; Robert Ho on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Danny Chun, J.), imposed October 25, 2023, sentencing him to concurrent determinate terms of imprisonment of 3½ years, to be followed by 10 years of postrelease supervision, upon his convictions of rape in the third degree and attempted sex trafficking of a child, upon his plea of guilty, on the ground that the periods of postrelease supervision imposed as part of the sentence were excessive.

ORDERED that the sentence is modified, on the law, by reducing the period of postrelease supervision on the conviction of attempted sex trafficking of a child from a period of 10 years to a period of 5 years; as so modified, the sentence is affirmed.

The period of postrelease supervision imposed with respect to the conviction of attempted sex trafficking of a child was illegal. “Although the issue was not raised before the sentencing court or on appeal, we cannot allow an illegal sentence to stand” (*People v McAvoy*, 181 AD3d 888, 889 [internal quotation marks omitted]; see *People v Singh*, 109 AD3d 1010, 1013). Accordingly, we reduce the sentence to the extent indicated herein.

April 29, 2026

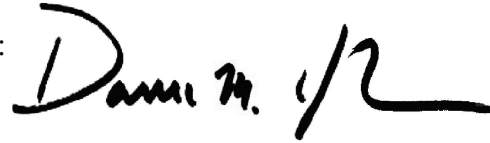
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The periods of postrelease supervision imposed, as modified, were not excessive (*see People v Sanchez*, 221 AD3d 734; *People v Suite*, 90 AD2d 80).

BARROS, J.P., BRATHWAITE NELSON, WARHIT, VENTURA and QUIRK, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Darrell M. Joseph". The signature is stylized with a large initial 'D' and a long horizontal stroke at the end.

Darrell M. Joseph
Clerk of the Court