

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

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_____AD3d_____

Submitted - May 1, 2026

BETSY BARROS, J.P.
VALERIE BRATHWAITE NELSON
LAURENCE L. LOVE
SUSAN QUIRK, JJ.

2024-00453

DECISION & ORDER

The People, etc., respondent,
v Rasheem Johnson, appellant.

(Ind. No. 70526/23)

Patricia Pazner, New York, NY (Raina Hasan of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Morgan J. Dennehy, and Daniel Berman of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Raymond Rodriguez, J.), rendered December 18, 2023, convicting him of attempted robbery in the second degree, upon his plea of guilty, and imposing sentence. The appeal brings up for review an order of protection issued at the time of sentencing.

ORDERED that upon the appeal from the judgment, so much of the order of protection issued at the time of sentencing as was issued in favor of M. L. is vacated, as a matter of discretion in the interest of justice; and it is further,

ORDERED that the judgment is affirmed.

The defendant's contention that the Supreme Court improperly issued an order of protection in favor of M. L. is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Nieves*, 2 NY3d 310, 316-318), but we nevertheless reach the issue in the exercise of our interest of justice jurisdiction (*see* CPL 470.15[6][a]). As the People correctly concede, the court had no authority to issue an order of protection in favor of M. L. since she was neither victim of, nor witness to, the crime to which the defendant entered a plea of guilty (*see id.* § 530.13[4]; *People v Alvarado*, 235 AD3d 889, 890; *People v Lebron*, 233 AD3d 710, 710; *People v Gonzalez*, 217 AD3d 965, 966).

July 1, 2026

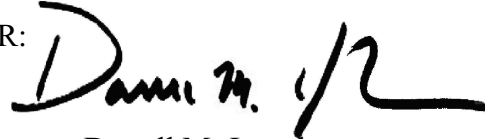
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Accordingly, we vacate so much of the order of protection as was issued in favor of M. L. at the time of sentencing.

BARROS, J.P., BRATHWAITE NELSON, LOVE and QUIRK, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Darrell M. Joseph", followed by a long horizontal flourish.

Darrell M. Joseph
Clerk of the Court