

**People v Contreras**

2005 NY Slip Op 30044(U)

August 26, 2005

Supreme Court, New York County

Docket Number: 0004522/4522

Judge: Bonnie G. Wittner

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SUPREME COURT OF THE STATE OF NEW YORK  
SPECIAL NARCOTICS COURTS  
COUNTY OF NEW YORK  
CITY OF NEW YORK: PART 61

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

JORGE CONTRERAS a/k/a NEWMAN,  
Defendant.

ORDER FOR  
RE-SENTENCE

IND. NO. 4522/97

PT. 61 AUG 26 2005

The defendant having made an application, pursuant to the so-called "Rockefeller Drug Law Reform" legislation which became effective on January 13, 2005 (L 2004, ch 738, §23), to be re-sentenced to a determinate sentence in accordance with new Penal Law §70.71,

NOW, upon reading and filing the application of the defendant, JORGE CONTRERAS a/k/a NEWMAN, and the affidavit of Assistant District Attorney Susan Krischel, this court finds as follows:

FINDINGS OF FACT

1. The defendant was convicted following a jury trial of one count of the class A-I felony of Criminal Possession of a Controlled Substance in the First Degree (P.L. 220.21) pertaining to the possession of 113 kilograms of cocaine on May 26, 1997, and one count of Conspiracy in the Second Degree (P.L. 105.15) pertaining to narcotics related activity that occurred between March 19, 1997 and May 26, 1997.

2. Defendant was sentenced to an indeterminate sentence of twenty-five (25) years-to-life on the possession count, and a concurrent term of eight and one-third (8 1/3) to twenty-five (25) years on the conspiracy count.

3. The defendant made a written application to be re-sentenced dated July 1, 2005.

4. Defendant qualifies for re-sentencing under Penal Law 70.71(3).

5. Since beginning his sentence, Defendant has received violations of prison conduct on three (3) separate occasions, none of which are classified as serious misconduct.

ORDERED that upon the findings of fact, and it appearing that substantial justice does not dictate that the application be denied, the application for re-sentencing is granted. The reason for this order is based upon the findings of fact, the determination of the legislature that the sentencing scheme for drug offenses should be revised and be replaced by a less harsh determinate sentencing scheme, and a determination by this court that the interests of justice will be served by re-sentencing the defendant to the term specified below.

ORDERED and it is hereby specified, so as to inform the defendant that, in the event of a re-sentence, this Court would sentence defendant to a determinate term of imprisonment of fifteen (15) years to life followed by a period of five (5) years post supervised release for his conviction of Criminal Possession of a Controlled Substance in the First Degree, as authorized for a class A-I felony by and in accordance with Penal Law §70.71 and Penal Law §70.45. The revised sentence is ordered to run concurrent to the eight and one-third (8 1/3) to twenty-

five (25) years previously imposed for the conviction of Conspiracy in the Second Degree.

NOTICE is hereby given to the defendant that, unless he withdraws the application or appeals from the order, by doing so in writing within fourteen (14) days of the date of this Order, this court will enter an order vacating the sentence originally imposed upon such conviction and imposing a determinate sentence authorized to be imposed upon such conviction by Penal Law §70.71 and §70.45, the term to be fifteen (15) years followed by five (5) years supervised release.

ENTER

8/26/05

*Bonnie Wittner*  
Justice of the Supreme Court

HON. BONNIE WITTNER

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NOTE  
I hereby certify that the foregoing  
paper is a true and correct copy of the original  
thereof, as the same appears.

*[Handwritten signature]*

Clara Stark, Secretary of the  
Court of the New York County  
Judicial Branch