

Supreme Court of the State of New York
Appellate Division, First Judicial Department

Singh, J.P., Kapnick, Kennedy, Higgitt, Michael, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

Ind. No. 01418/21
Case No. 2023-02912

-against-

JAMES BENBOW,
Defendant-Appellant.

Joseph F. DeFelice, Kew Gardens, for appellant.

Alvin L. Bragg, Jr., District Attorney, New York (Molly Morgan of counsel), for respondent.

Judgment, Supreme Court, New York County (Brendan T. Lantry, J.), rendered April 25, 2023, convicting defendant, upon his plea of guilty, of criminal possession of a controlled substance in the third degree, and sentencing him to a term of five years, unanimously reversed, on the law, the plea vacated, and the matter remanded for further proceedings.

As the People concede, the court's failure to advise defendant that any enhanced sentence imposed upon a violation of his plea agreement would include a term of

postrelease supervision rendered his plea invalid (*see People v Catu*, 4 NY3d 242 [2005]). Because we vacate the plea on this basis, we need not reach defendant's remaining contentions.

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: January 30, 2024

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is written in a cursive, flowing style.

Susanna Molina Rojas
Clerk of the Court