



## People v. Riale

274 A.D.2d 971,711 N.Y.S.2d 375 (2000) | Cited 0 times | New York Supreme Court | July 7, 2000

Judgment unanimously reversed on the law, plea vacated and matter remitted to Onondaga County Court for further proceedings on the indictment.

Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of robbery in the third degree (Penal Law § 160.05). The plea was induced by the promise that the sentence would run concurrently with the sentence imposed upon a prior conviction. Because we are now reversing the prior judgment of conviction (People v. Riale [appeal No. 1], \_\_\_ AD2d \_\_\_ [decided herewith] ), the judgment herein must be reversed, the plea vacated and the matter remitted to Onondaga County Court for further proceedings on the indictment (see, People v. Fuggazzatto, 62 NY2d 862, 863). (Appeal from Judgment of Onondaga County Court, Hafner, Jr., J.-Robbery, 3rd Degree.)

