

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT

People v. Torres

2021 NY Slip Op 04036 (App. Div. 2021) · No. 2018-03504; 2018-03507 · Decided June 23, 2021

SUMMARY

The New York Appellate Division, Second Department, affirmed two judgments convicting Isaias Torres of third-degree burglary based on guilty pleas. The court addressed the matter on remittitur from the Court of Appeals and held that the sentences imposed were not excessive.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, Second Judicial Department
WRITING FOR THE COURT	Reinaldo E. Rivera, J.P.; Betsy Barros, J.; Valerie Brathwaite Nelson, J.; Angela G. Iannacci, J.
JURISDICTION	New York
DECIDED	June 23, 2021
DOCKET	2018-03504; 2018-03507
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from two judgments convicting him, upon guilty pleas, of burglary in the third degree and imposing sentences. After the Court of Appeals remitted the matter for consideration of issues not previously decided, the Appellate Division reconsidered the appeals.
PRECEDENTIAL VALUE	published
PARTIES	Isaias Torres v. The People of the State of New York

TOPICS

- sentencing
- appellate procedure
- criminal procedure
- standard of review

PRACTICE AREAS

- criminal law
- appellate practice

QUESTIONS PRESENTED

1. Whether the sentences imposed for the two burglary convictions were excessive.

HOLDINGS

1. The sentences imposed were not excessive, and the judgments were affirmed.

KEY QUOTATIONS

“The sentences imposed were not excessive (see CPL 470.15[6][b]; People v Suitte, 90 AD2d 80).” ([*1])

FACTUAL BACKGROUND

Isaias Torres pleaded guilty to burglary in the third degree under two separate Superior Court Informations. The Supreme Court, Queens County, rendered judgments convicting him and imposed sentences in both matters. On remittitur, the Appellate Division addressed whether the sentences were excessive.

PROCEDURAL HISTORY

The Supreme Court, Queens County, rendered two judgments on February 13, 2018, convicting Torres upon guilty pleas under two Superior Court Informations and imposing sentences. The Appellate Division initially affirmed on January 29, 2020. The Court of Appeals reversed that decision and remitted the matter for consideration of unresolved appellate issues. Upon remittitur, the Appellate Division affirmed the judgments.

DISPOSITION

affirmed

CASES CITED

- People v. Torres, 179 AD3d 1102
- People v. Bisono, 36 NY3d 1013
- People v. Suitte, 90 AD2d 80

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