

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

## OPINION

People v. Torres 2021 NY Slip Op 04036

PER CURIAM.

People v Torres (2021 NY Slip Op 04036) People v Torres 2021 NY Slip Op 04036 Decided on June 23, 2021 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on June 23, 2021

SUPREME COURT OF THE STATE OF NEW YORK

Appellate Division, Second Judicial Department REINALDO E. RIVERA, J.P.

BETSY BARROS

VALERIE BRATHWAITE NELSON

ANGELA G. IANNACCI, JJ. 2018-03504

2018-03507 [\*1]The People of the State of New York, respondent, vIsaias Torres, appellant. (S.C.I. Nos. 173/18, 174/18) Janet E. Sabel, New York, NY (Dalourny Nemorin of counsel), for appellant. Melinda Katz, District Attorney, Kew Gardens, NY (John M. Castellano and Johnnette Traill of counsel; Victor Randall on the memorandum), for respondent. DECISION & ORDER Appeals by the defendant from two judgments of the Supreme Court, Queens County (Gia Morris, J.), both rendered February 13, 2018, convicting him of burglary in the third degree under Superior Court Information No. 173/2018, and burglary in the third degree under Superior Court Information No. 174/2018, upon his pleas of guilty, and imposing sentences. By decision and order dated January 29, 2020, this Court affirmed the judgments (see *People v Torres*, 179 AD3d 1102). On December 15, 2020, the Court of Appeals reversed the decision and order of this Court and remitted the matter to this Court for consideration of issues raised but not determined on the appeals to this Court (see *People v Bisono*, 36 NY3d 1013). ORDERED that, upon remittitur from the Court of Appeals, the judgments are affirmed. The sentences imposed were not excessive (see CPL 470.15[6][b]; *People v Suitte*, 90 AD2d 80). RIVERA, J.P., BARROS, BRATHWAITE NELSON and IANNACCI, JJ., concur. ENTER: Aprilanne Agostino Clerk of the Court