

COURT OF APPEALS OF THE STATE OF NEW YORK

People v. Parilla

8 N.Y.3d 654, 870 N.E.2d 142, 838 N.Y.S.2d 824 (2007) · Decided June 12, 2007

SUMMARY

The New York Court of Appeals held that a defendant waived a statutory statute-of-limitations defense under CPL 30.10 by pleading guilty and waiving his right to appeal. The court also rejected his related ineffective-assistance, vindictive-sentencing, and constitutional challenges, concluding that his plea was knowing, voluntary, and intelligent.

CASE DETAILS

COURT	Court of Appeals of the State of New York
WRITING FOR THE COURT	Jones, J.; Chief Judge Kaye; Judge Ciparick; Judge Graffeo; Judge Read; Judge Smith; Judge Pigott
JURISDICTION	New York
DECIDED	June 12, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an Appellate Division order unanimously affirming his judgment of conviction and Supreme Court's denial of his CPL 440.10 motion to vacate the judgment. The New York Court of Appeals granted leave to appeal and affirmed.
PRECEDENTIAL VALUE	Published precedential opinion of the New York Court of Appeals
PARTIES	Scott Parilla v. The People of the State of New York

TOPICS

- post-conviction relief
- plea bargaining
- criminal procedure
- appellate procedure
- sentencing

PRACTICE AREAS

- criminal law
- criminal procedure
- appellate practice
- post-conviction relief

QUESTIONS PRESENTED

1. Whether defendant's guilty plea waived his statute-of-limitations defense under CPL 30.10.

2. Whether counsel's failure to file a motion to dismiss the indictment on statute-of-limitations grounds constituted ineffective assistance of counsel.
3. Whether defendant's claim that the sentence was vindictively increased after the plea had merit.

HOLDINGS

1. A defendant waives a nonjurisdictional statute-of-limitations defense by pleading guilty.
2. Defendant could not avoid the consequences of his guilty plea and appeal waiver by recasting the waived statute-of-limitations argument as ineffective assistance of counsel.
3. Defendant's claim that a vindictive sentence was imposed was without merit.

KEY QUOTATIONS

"A plea of guilty ... marks the end of a criminal case, not a gateway to further litigation" (659)

"The statute of limitations under CPL 30.10 is not a jurisdictional matter, nor is it a right of constitutional dimension like the aforementioned rights that survive a guilty plea." (659)

FACTUAL BACKGROUND

A 1993 sexual assault was reported to police, and semen evidence was collected and preserved. The case was closed as unfounded after the rape victim's mother sought to drop the complaint and because of other investigative problems. In 2003, a DNA sample defendant had provided while incarcerated on an unrelated conviction linked him to the assault, leading to charges for first-degree rape and first-degree sodomy. Defendant's counsel did not file a statute-of-limitations motion, defendant pleaded guilty, and he later challenged the plea and conviction through a CPL 440.10 motion.

PROCEDURAL HISTORY

Defendant was indicted in 2003 for first-degree rape and first-degree sodomy arising from a 1993 sexual assault. He pleaded guilty to both counts and waived his right to appeal. After sentencing, he moved under CPL 440.10 to vacate the judgment, asserting ineffective assistance based on counsel's failure to move to dismiss on statute-of-limitations grounds, an improperly increased sentence, and unconstitutional acquisition of his blood sample. Supreme Court denied the motion, the Appellate Division affirmed, and the Court of Appeals affirmed the Appellate Division.

DISPOSITION

affirmed

CASES CITED

- People v. Hansen, 95 N.Y.2d 227 (2000)
- People v. Taylor, 65 N.Y.2d 1 (1985)
- People v. Di Raffaele, 55 N.Y.2d 234 (1982)

- People v. Rodriguez, 55 N.Y.2d 776 (1981)
- People v. Friscia, 51 N.Y.2d 845 (1980)
- People v. Mills, 1 N.Y.3d 269 (2003)
- People v. Lopez, 6 N.Y.3d 248 (2006)
- People v. Turner, 5 N.Y.3d 476 (2005)
- People v. Satterfield, 66 N.Y.2d 796 (1985)

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