

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
FIRST DEPARTMENT

People v. Scott

Scott, 2026 NY Slip Op 02933 (Supreme Court of the State of New York Appellate Division First Department 2026) · No. Ind. No. 71513/23; Appeal No. 6597; Case No. 2024-04039 · Decided May 12, 2026

SUMMARY

The Appellate Division, First Department unanimously affirmed a judgment convicting Brett Scott, upon his guilty plea, of attempted murder in the second degree and sentencing him as a second violent felony offender to 13 years' imprisonment followed by five years of postrelease supervision. The court held that the defendant failed to preserve his claim that the plea was involuntary because the postrelease supervision term was not stated during the plea colloquy, and alternatively found that he pleaded guilty with full knowledge of the consequences.

CASE DETAILS

COURT	Supreme Court of the State of New York, Appellate Division, First Department
WRITING FOR THE COURT	Scarpulla, J.P.; Mendez, J.; Shulman, J.; Rodriguez, J.; Hagler, J.
JURISDICTION	New York Supreme Court, Appellate Division, First Department
DECIDED	May 12, 2026
DOCKET	Ind. No. 71513/23; Appeal No. 6597; Case No. 2024-04039
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of Supreme Court, New York County, rendered after his guilty plea and sentencing for attempted murder in the second degree.
STANDARD OF REVIEW	The court reviewed preservation of the plea-voluntariness claim and the validity of the guilty plea on the record; it found no basis to reduce the sentence.
PRECEDENTIAL VALUE	published
PARTIES	Brett Scott v. The People of the State of New York

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QUESTIONS PRESENTED

1. Whether defendant preserved his claim that his guilty plea was involuntary because the court did not inform him during the plea colloquy of the postrelease-supervision term.
2. Whether the narrow exception to New York's preservation requirement applied under the circumstances.
3. Alternatively, whether the record established that defendant pleaded guilty with full knowledge of the prison and postrelease-supervision consequences.
4. Whether the sentence should be reduced.

HOLDINGS

1. Defendant failed to preserve his claim that his plea was involuntary because the court did not inform him of the postrelease-supervision term during the plea colloquy, because he neither objected to the allocution nor moved to withdraw his plea.
2. The narrow exception to the preservation requirement was inapplicable because defendant had the actual and practical ability to move to withdraw his plea.
3. Alternatively, the record established that defendant pleaded guilty with full knowledge of the consequences of his plea, including the prison and postrelease-supervision terms.
4. There was no basis for reducing defendant's sentence.

KEY QUOTATIONS

“Defendant had ample opportunity to raise an objection to the postrelease supervision component” ([*1])

“defendant pleaded guilty with full knowledge of the consequences of his plea, including the prison and postrelease supervision terms” ([*1])

FACTUAL BACKGROUND

At the outset of the plea proceedings, the prosecutor informed defendant that the plea offer included a five-year term of postrelease supervision. Defense counsel stated that defendant understood the sentence included that term, and the court later pronounced a sentence of 13 years followed by 5 years of postrelease supervision. Defendant did not object during the allocution or move to withdraw his plea.

PROCEDURAL HISTORY

The Supreme Court, New York County, accepted defendant's guilty plea and entered judgment on June 6, 2024, sentencing him as a second violent felony offender to 13 years' imprisonment followed by 5 years of postrelease supervision. The Appellate Division unanimously affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Williams, 27 NY3d 212, 214 (2016)
- People v. Brown, 137 AD3d 674, 674 (1st Dept 2016), lv denied 27 NY3d 1149 (2016)
- People v. Catu, 4 NY3d 242, 245 (2005)
- People v. Crowder, 24 NY3d 1134, 1136-1137 (2015)
- People v. Louree, 8 NY3d 541, 545-546 (2007)
- People v. Perez, 230 AD3d 1073, 1074 (1st Dept 2024), lv denied 42 NY3d 1081 (2025)
- People v. Melendez, 201 AD3d 444, 445 (1st Dept 2022), lv denied 38 NY3d 929 (2022)
- People v. Alicea, 106 AD3d 619, 620 (1st Dept 2013), lv denied 21 NY3d 1040 (2013)

OPINION

People v. Scott 2026 NY Slip Op 02933

PER CURIAM.

People v Scott - 2026 NY Slip Op 02933 skip to main content It appears you are using Adblock. Please disable Adblock to best experience our website. Law Reporting Bureau Thomas J.K. Smith, State Reporter Court Decisions Resources About Home All Court Decisions Decisions People v Scott 2026 NY Slip Op 02933 May 12, 2026 Appellate Division, First Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, Respondent, v Brett Scott, Appellant. Decided and Entered: May 12, 2026 Ind. No. 71513/23|Appeal No. 6597|Case No. 2024-04039| Before: Scarpulla, J.P., Mendez, Shulman, Rodriguez, Hagler, JJ. Jenay Nurse Guilford, Center for Appellate Litigation, New York (Manvitha Kapireddy of counsel), for appellant. Alvin L. Bragg, Jr., District Attorney, New York (Claire Lynch of counsel), for respondent. [*1] Judgment, Supreme Court, New York County (Michele S. Rodney, J.), rendered June 6, 2024, convicting defendant, upon his plea of guilty, of attempted murder in the second degree, and sentencing him, as a second violent felony offender, to a term of 13 years followed by 5 years of postrelease supervision, unanimously affirmed. Defendant failed to preserve his claim that his plea was involuntary because the court did not inform him of the term of postrelease supervision during the plea colloquy, as he did not object to the allocution or move to withdraw his plea (see People v Williams , 27 NY3d 212, 214 [2016]; People v Brown , 137 AD3d 674, 674 [1st Dept 2016], lv denied 27 NY3d 1149 [2016]; see also People v Catu , 4 NY3d 242 [2005]). Under the circumstances of this case, the narrow exception to the preservation requirement is inapplicable. "Defendant had ample opportunity to raise an objection to the postrelease supervision component" of his sentence (People v Crowder , 24 NY3d 1134, 1136-1137 [2015]; see People v Louree , 8 NY3d 541, 545-546 [2007]). At the outset of the plea

proceedings, defendant was expressly informed by the prosecutor that the offer included a sentence with a five-year term of postrelease supervision. When entering the plea on defendant's behalf, defense counsel stated that defendant understood that the sentence included a five-year term of postrelease supervision. The court pronounced the sentence which included a five-year term of postrelease supervision. Therefore, defendant had the actual and practical ability to move to withdraw his plea (see *People v Perez* , 230 AD3d 1073 , 1074 [1st Dept 2024], lv denied 42 NY3d 1081 [2025]; *People v Melendez* , 201 AD3d 444, 445 [1st Dept 2022], lv denied 38 NY3d 929 [2022]). As an alternative holding, we find that the record establishes that "defendant pleaded guilty with full knowledge of the consequences of his plea, including the prison and postrelease supervision terms" (*People v Alicea* , 106 AD3d 619, 620 [1st Dept 2013], lv denied 21 NY3d 1040 [2013]; see *Catu* , 4 NY3d at 245). We perceive no basis for reducing the sentence. THIS CONSTITUTES THE DECISION AND ORDER OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT. ENTERED: May 12, 2026 Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.