

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)

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