

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 40
The People &c.,
Respondent,
v.
Yasif Sims,
Appellant.

Noreen McCarthy, for appellant.
James F. Gibbons, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed.

Defendant's claim that the sentencing court conducted an inadequate inquiry into his violation of plea conditions before imposing an enhanced sentence, to the degree

“readily discernible from the hearing transcript” (*People v Albergotti*, 17 NY3d 748, 750 [2011]), is without merit. The court conducted an appropriate inquiry and provided defendant with an opportunity to dispute the factual basis for the alleged violation (*see People v Outley*, 80 NY2d 702, 713 [1993]; *People v Valencia*, 3 NY3d 714, 716 [2004]).

Defendant’s ineffective assistance of counsel claims are more appropriately brought in a collateral or post-conviction CPL 440.10 proceeding (*see People v Henderson*, 28 NY3d 63, 66 [2016]).

Defendant’s argument that his postplea statements to the probation officer required further inquiry by the court is without merit (*see People v Billingsley*, 54 NY2d 960, 961 [1981]). His contention that the court overstated his sentencing exposure is unpreserved.

Order affirmed, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided April 18, 2024