



Office of the District Attorney

**P. David Soares**

6 Lodge Street

Albany, New York 12207

(518) 487-5460

(518) 487-5093 FAX

**CONTACT: CECILIA WALSH, (518) 275-4710**

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## NYS Appellate Court Upholds Enhanced State Prison Sentence of Predicate Felon



**ALBANY, NY-** District Attorney P. David Soares announced today that the New York State Supreme Court Appellate Division, Third Department, has unanimously upheld the 5 ½ year State Prison sentence of JOSE PANETO, 28, formerly of Hudson Falls, New York stemming

from a conviction on June 1, 2011 of (1) Count of Criminal Possession of a Controlled Substance in the Third Degree, a Class B Felony in Albany County Court.

Click [here](#) to read the full decision by the New York State Supreme Court, Appellate Division, Third Department.

In March 2011, the defendant pleaded guilty in full satisfaction of a five count indictment with an agreed upon State Prison sentence of 3 ½ years, to be followed by 1 ½ years of Post Release Supervision.

As part of the conditions of the guilty plea outlined by the Court, the defendant agreed not to get arrested for any reason prior to sentencing, and was informed that if he was arrested the Court would no longer be bound by the terms of the plea agreement and would utilize its discretion at sentencing. The defendant agreed to uphold the terms of the plea bargain.

On April 7, 2011 on Interstate 787 in Warren County, New York, the defendant was arrested by New York State Troopers after being found in possession of one ounce of cocaine and one pound of marijuana in a vehicle that he was driving. The defendant was arraigned in Warren County after a grand jury returned a nine count indictment against him.

At sentencing, the Court found the defendant violated the terms of his plea agreement with his most recent arrest and sentenced him to 5 ½ years in State Prison, to be followed by 2 years of Post Release Supervision.

Assistant District Attorney Vincent Stark of the Legal Affairs Unit argued to uphold the conviction of this defendant.

For more information please contact Cecilia Walsh (518) 275-4710.

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