

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS: SCDV2

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THE PEOPLE OF THE STATE OF NEW YORK

**DECISION AND ORDER**  
IND NO.: 11210-90

-against-

TERRENCE RICE,

Defendant.

-----X  
E. NIKI WARIN, J.:

The defendant filed a motion pursuant to CPL 440.20 and moves to set aside a sentence imposed by the Supreme Court, Kings County on October 16, 1991, as illegally imposed and or otherwise invalid as a matter of law. The defendant was found guilty after trial of three counts of Attempted Murder of police officers and one count each of Criminal Possession of a Weapon in the Second, Third and Fourth Degree after a shooting where no injuries were sustained. He was sentenced as a mandatory persistent felon to three sentences of 25-life for the Attempted Murder counts to be run consecutively to each other; two sentences of 25-life for the Criminal Possession of Weapon in the Second and Third Degree counts, and a sentence of one year for the count of Criminal Possession of a Weapon in the Fourth Degree, imposed concurrently.

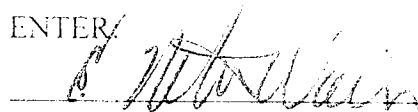
The defendant asks this Court to vacate the current sentence and resentence him to concurrent terms of 25- life on each count. The People do not oppose the defendant's motion for resentence.

For the reasons set forth in defendant's motion, the Court agrees that the imposition of three consecutive sentences for a total term of 75 years to life on the particular circumstances of this case was grossly disproportionate to the crimes for which it was imposed. As the People do not oppose the re-sentencing, the Court finds no hearing is necessary (CPL 440.30(3)). Further, the defendant's motion is properly before the Court as the defendant has not previously moved for resentencing under these grounds on appeal (CPL 440.20 (1) and (2)).

Accordingly, the defendant's 440 motion is granted. The defendant will be resentedenced to a term of 25-life on the Attempted Murder and Criminal Possession of a Weapon in the Second and Third Degree counts, to run concurrently with each other. The remaining sentence of one year for the count of Criminal Possession of Weapon in the Fourth Degree is unchanged and will run concurrently to the remaining counts.

Dated: June 16, 2022  
Brooklyn, New York

ENTER

A handwritten signature in black ink, appearing to read "E. Niki Warin", written over a horizontal line.

E. Niki Warin, A.S.C.J.