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Repeated Violations of Guilty Plea Lead to Enhanced Sentence for Defendant



ALBANY, NY- District Attorney P. David Soares announced today that JOHN GASSETT, 36, of Albany, was sentenced to 3 years in State Prison, to be followed by 3 years of Post Release Supervision, before the Honorable Peter A. Lynch in Albany County Court this morning.

On March 28, 2013, the defendant was inside a residence on Third Street in the City of Albany when he began arguing with one of the occupants. As the occupant attempted to get away, the

defendant struck her in the back of the head and repeatedly kicked her in the face, head and stomach while on the ground. Two occupants of the residence who were relatives of the victim were home at the time and came to the victim's aid. At that point, the defendant assaulted both family members, ultimately injuring one of them with an unknown object.

On May 17, 2013, the defendant pleaded guilty to (1) Count of Attempted Burglary in the Second Degree, a Class D Violent Felony, before the Honorable Peter A. Lynch in Albany County Court.

The conditions outlined by the plea agreement were that the defendant would receive a determinate sentence of 2 years in State Prison, to be followed by 3 years of Post Release Supervision. The defendant was informed that if he did not abide by all terms and conditions of the plea agreement prior to sentencing that the Court could withdraw the plea offer and utilize its discretion at sentencing. Specifically, the defendant was to meet with the Albany County Probation Department in order to complete a required pre-sentencing investigation and appear in court as directed to be sentenced.

Prior to sentencing, the defendant repeatedly failed to meet with the Albany County Probation Department and failed to appear in court for his originally scheduled sentencing date in July. A bench warrant was issued by the Honorable Peter A. Lynch when the defendant failed to appear. Members of the Albany Police Department located GASSETT and remanded him into custody.

Assistant District Attorney Carmen Warner of the Street Crimes Unit oversaw the prosecution of this case.

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

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