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## Hearing today in alleged DWI death, nullified plea

Victoria E. Freile  
Staff writer

A Rochester man charged with a drunken-driving fatality will today appear in state Supreme Court for a pretrial hearing.

Samuel Sierra 42, who has a previous conviction for manslaughter, pleaded guilty April 27 to a six-count indictment in the death of Michael H. Civiletti, 45, on Oct. 14, 2006. In exchange for the plea, Monroe County Court Judge John J. Connell promised him a prison term of 4½ to nine years.

Connell disavowed the plea on May 24, saying he was misled about the wishes of the Monroe County District Attorney's Office, which apparently was seeking a longer sentence. He recused himself without explanation last month and the case is now being heard by state Supreme Court Justice David D. Egan.

Sierra's pretrial hearing is slated to begin at 9:30 a.m. in state Supreme Court.

Sierra today could say he wants to stick by his guilty plea and take any sentence the new judge would give. Or he could withdraw it and go to trial.

Egan said he would not stand by the sentence promise of 4½ to nine years in prison that Connell made and later disavowed.

If Sierra is found guilty through a plea or a trial conviction, he faces a prison term of up to 7½ to 15 years, the maximum under the law.

[VFREILE@DemocratandChronicle.com](mailto:VFREILE@DemocratandChronicle.com)

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