

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

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_____AD3d_____

Submitted - November 15, 2006

ROBERT W. SCHMIDT, J.P.
STEPHEN G. CRANE
REINALDO E. RIVERA
PETER B. SKELOS
ROBERT J. LUNN, JJ.

2005-08804

DECISION & ORDER

In the Matter of Clifford Rice, appellant, v
Glenn S. Goord, etc., et al., respondents.

(Index No. 56/05)

Clifford Rice, Fishkill, N.Y., appellant pro se.

Eliot Spitzer, Attorney-General, New York, N.Y. (Megan P. Davis and Robin A. Forshaw of counsel), for respondents.

In a proceeding pursuant to CPLR article 78 to review a determination of the respondents dated September 20, 2004, which calculated the length of the petitioner's sentence of imprisonment, the petitioner appeals from a judgment of the Supreme Court, Dutchess County (Sproat, J.), dated August 12, 2005, which, in effect, denied the petition and dismissed the proceeding.

ORDERED that the judgment is affirmed, without costs or disbursements.

The petitioner's status as a persistent violent felony offender required that the sentence imposed run consecutively to the undischarged sentence on his prior conviction (*see* Penal Law §

December 26, 2006

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70.25[2-a]; *Matter of Rivera v Goord*, 24 AD3d 679, 680; *People v Castagna*, 18 AD3d 475; *People v Fucci*, 16 AD3d 597; *Matter of Madison v Goord*, 274 AD2d 483, 484).

SCHMIDT, J.P., CRANE, RIVERA, SKELOS and LUNN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court