

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

D13332
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_____AD3d_____

Argued - November 9, 2006

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
GABRIEL M. KRAUSMAN, JJ.

2004-09319
2005-02933

DECISION & ORDER

The People, etc., respondent,
v Edward Jamison, appellant.

(Ind. No. 1563/98)

Steven Banks, New York, N.Y. (Steven J. Miraglia of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,
Johnnette Traill, and Jasmine Chang of counsel), for respondent.

Appeals by the defendant (1), by permission, as limited by his brief, from so much of an order of the Supreme Court, Queens County (Kron, J.), dated September 27, 2004, as denied that branch of his motion which was pursuant to CPL 440.10 to vacate a judgment of the same court rendered June 7, 2000, convicting him of robbery in the first degree and criminal possession of a weapon in the third degree, upon a jury verdict, and (2) from a resentence of the same court imposed February 17, 2005.

ORDERED that the order is affirmed insofar as appealed from; and it is further,

ORDERED that the resentence is affirmed.

The Supreme Court properly denied that branch of the defendant's motion which was to vacate the judgment of conviction pursuant to CPL 440.10.

January 16, 2007

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The resentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

PRUDENTI, P.J., MASTRO, RIVERA and KRAUSMAN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court