

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

D14548  
C/gts/hu

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Submitted - February 28, 2007

WILLIAM F. MASTRO, J.P.  
DAVID S. RITTER  
PETER B. SKELOS  
EDWARD D. CARNI  
WILLIAM E. McCARTHY, JJ.

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2005-07370  
2005-07371

DECISION & ORDER

The People, etc., respondent,  
v John Dale, appellant.

(Ind. Nos. 238/04, 244/04)

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Lynn W. L. Fahey, New York, N.Y. (David P. Greenberg of counsel), for appellant.

Daniel M. Donovan, Jr., District Attorney, Staten Island, N.Y. (Karen F. McGee of counsel), for respondent (no brief filed).

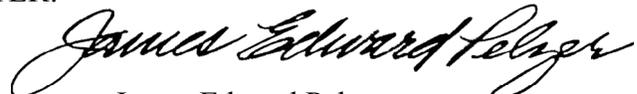
Appeal by the defendant from two judgments of the Supreme Court, Richmond County (Rienzi, J.), both rendered June 29, 2005, convicting him of assault in the first degree under Indictment No. 2004-244, and attempted criminal sexual act in the first degree under Indictment No. 2004-238, upon his pleas of guilty, and imposing sentences.

ORDERED that the judgments are affirmed.

The defendant argues that the duration of four orders of protection issued at the time of his sentencing exceeded the maximum limits of CPL 530.13(4). However, the defendant failed to preserve this argument for appellate review because he did not raise the issue at sentencing or move to amend the final orders of protection on this ground (*see* CPL 470.05[2]; *People v Nieves*, 2 NY3d 310, 316-318), and we decline to review it in the exercise of our interest of justice jurisdiction (*see People v Varner*, 39 AD3d 882; *cf. People v Johnson*, 16 AD3d 521).

MASTRO, J.P., RITTER, SKELOS, CARNI and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 18, 2007

PEOPLE v DALE, JOHN