

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

D14577
W/gts

_____AD3d_____

Submitted - February 27, 2007

REINALDO E. RIVERA, J.P.
DAVID S. RITTER
GLORIA GOLDSTEIN
DANIEL D. ANGIOLILLO, JJ.

2005-01711

DECISION & ORDER

The People, etc., respondent,
v Joseph Cecere, appellant.

(Ind. No. 90036/01)

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 Fisher McGee of counsel), for respondent.

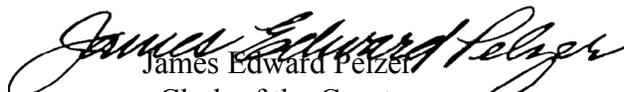
Appeal by the defendant from a judgment of the Supreme Court, Richmond County (Meyer, J.), rendered January 24, 2005, convicting him of attempted assault in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's remarks at the time of sentencing did not constitute a motion to dismiss the indictment on the ground that there was an unreasonable delay in sentencing. The defendant's claim that the Supreme Court had been divested of jurisdiction over him because of the passage of time between his plea and the imposition of the sentence is not preserved for appellate review (*see People v Young*, 283 AD2d 597; *People v Branch*, 281 AD2d 427, 428). Under the circumstances of this case, we decline to review it in the exercise of our interest of justice jurisdiction.

RIVERA, J.P., RITTER, GOLDSTEIN and ANGIOLILLO, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

April 3, 2007

PEOPLE v CECERE, JOSEPH