

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

D16624
O/cb

_____AD3d_____

Submitted - September 27, 2007

STEPHEN G. CRANE, J.P.
ROBERT A. SPOLZINO
GABRIEL M. KRAUSMAN
WILLIAM E. McCARTHY, JJ.

2005-08821

DECISION & ORDER

The People, etc., respondent,
v Shawn Lawrence, appellant.

(Ind. No. 657B-99)

Brian E. O'Donoghue, Huntington, N.Y., for appellant, and appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Rosalind C. Gray and Michael J. Brennan of counsel), for respondent.

Appeal by the defendant from a resentence of the County Court, Suffolk County (Kahn, J.), imposed July 15, 2005, upon his conviction of robbery in the second degree, upon a jury verdict.

ORDERED that the resentence is affirmed.

The defendant's argument that the resentence imposed was the product of vindictiveness was not preserved for appellate review (*see People v Norris*, 34 AD3d 500, 501). In any event, the record indicates that the County Court did not act vindictively in resentencing the defendant (*see People v Irrizarry*, 37 AD3d 1082, 1083; *People v Somerville*, 33 AD3d 733, 734).

The defendant's remaining contentions, raised in his supplemental pro se brief, are without merit.

CRANE, J.P., SPOLZINO, KRAUSMAN and McCARTHY, 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