

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

D18495
Y/prt

_____AD3d_____

Submitted - February 7, 2008

STEVEN W. FISHER, J.P.
HOWARD MILLER
WILLIAM E. McCARTHY
CHERYL E. CHAMBERS, JJ.

2005-04587

DECISION & ORDER

The People, etc., respondent,
v Marshall Schreter, appellant.

(Ind. No. 1322-92)

Ann N. Howell, Lynbrook, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Anne E. Oh of counsel), for respondent.

Appeal by the defendant from a resentence of the County Court, Suffolk County (Crecca, J.), dated April 25, 2005, imposed after a hearing, and upon an order specifying and informing him of a proposed resentence, the resentence being a determinate prison term of 25 years and a period of post-release supervision of 5 years pursuant to the Drug Law Reform Act of 2005 (L 2005, ch 643).

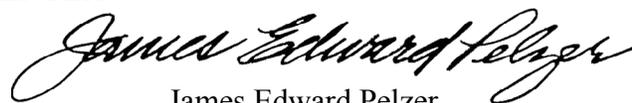
ORDERED that the resentence is affirmed.

The defendant was advised of his right to appeal from the order specifying and informing him of the proposed resentence and chose to accept the resentence and thereafter appeal. The defendant did not waive the right to challenge his resentence on appeal (*see People v Love*, 46 AD3d 919). Under the circumstances of this case, the resentence was not excessive (*see People v Sutte*, 90 AD2d 80).

The defendant's remaining contentions are without merit.

FISHER, J.P., MILLER, McCARTHY and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 15, 2008

PEOPLE v SCHRETER, MARSHALL