

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

D18775
O/kmg

_____AD3d_____

Submitted - March 6, 2008

ROBERT A. SPOLZINO, J.P.
HOWARD MILLER
JOSEPH COVELLO
RUTH C. BALKIN, JJ.

2005-10782

DECISION & ORDER

The People, etc., respondent,
v Charles Stamps, appellant.

(Ind. No. 94-00227)

Gary E. Eisenberg, New City, N.Y., for appellant.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Carrie A. Ciganek of counsel),
for respondent.

Appeal by the defendant from an order of the County Court, Rockland County (Nelson, J.), dated September 27, 2005, which, after a hearing, denied his motion for resentencing pursuant to the Drug Law Reform Act of 2004 (L 2004, ch 738) on his conviction of criminal possession of a controlled substance in the first degree, which sentence was originally imposed, upon a jury verdict, on October 20, 1995.

ORDERED that the order is affirmed.

The County Court, which considered, inter alia, the significant amount of drugs the defendant possessed, his extensive and violent criminal history, and poor prison disciplinary record, providently exercised its discretion in determining that “substantial justice dictate[d] that the application should be denied” (L 2004, ch 738, § 23; *see People v Alvarado*, _____AD3d_____, 2008 NY Slip Op 01614 [1st Dept 2008]; *People v Aguirre*, 47 AD3d 489; *People v Ayala*, 43 AD3d 800; *People v Vega*, 40 AD3d 1020, 1020-1021; *People v Sanders*, 36 AD3d 944, 946-947; *People v Gonzalez*, 29 AD3d 400).

SPOLZINO, J.P., MILLER, COVELLO and BALKIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

April 8, 2008

PEOPLE v STAMPS, CHARLES