

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

D19587
O/prt

_____AD3d_____

Submitted - March 28, 2008

A. GAIL PRUDENTI, P.J.
PETER B. SKELOS
ANITA R. FLORIO
EDWARD D. CARNI
JOHN M. LEVENTHAL, JJ.

2006-10582

DECISION & ORDER

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

(Ind. No. 6823/04)

Steven Banks, New York, N.Y. (Laura Boyd of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Morgan J. Dennehy of counsel; John P. DeVerna on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (DiMango, J.), imposed October 18, 2006, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed. No opinion.

PRUDENTI, P.J., SKELOS, FLORIO, CARNI and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 10, 2008

PEOPLE v AVITTO, JOHN