

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

D19965  
C/kmg

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Submitted - June 12, 2008

ROBERT A. SPOLZINO, J.P.  
STEVEN W. FISHER  
EDWARD D. CARNI  
THOMAS A. DICKERSON, JJ.

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2007-00307

DECISION & ORDER

The People, etc., respondent,  
v Christian Pantojas, appellant.

(Ind. No. 04-00226)

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James D. Licata, New City, N.Y. (Lois Cappelletti of counsel), for appellant.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Argiro Kosmetatos of counsel;  
Coleen A. Fortes on the brief), for respondent.

Appeal by the defendant from a resentence of the County Court, Rockland County (Bartlett, J.), rendered December 4, 2006, convicting him of criminal sale of a controlled substance in the third degree (two counts) and criminal possession of a controlled substance in the third degree (two counts), upon his plea of guilty, and imposing sentence.

ORDERED that the resentence is affirmed.

“Since the defendant received the minimum sentence permitted by law, this Court has no authority to reduce it as a matter of discretion in the interest of justice” (*People v Howard*, 50 AD3d 823; *see* CPL 470.20[6]; *People v Wilson*, 28 AD3d 796, 797; *People v Muller*, 294 AD2d 602).

SPOLZINO, J.P., FISHER, CARNI and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

July 29, 2008

PEOPLE v PANTOJAS, CHRISTIAN