

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

D20014
O/prt

_____AD3d_____

Submitted - June 4, 2008

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
JOSEPH COVELLO
WILLIAM E. McCARTHY
CHERYL E. CHAMBERS, JJ.

2007-00488

DECISION & ORDER

The People, etc., respondent,
v David Grigg, appellant.

(Ind. No. 2301/05)

Del Atwell, East Hampton, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Guy Arcidiacono of counsel),
for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Suffolk County (R. Doyle, J.), rendered January 19, 2006, convicting him of attempted sexual abuse in the first degree (two counts), upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contentions, the Supreme Court properly certified his status as a sex offender upon his conviction of attempted sexual abuse in the first degree (*see* Correction Law § 168-a[1], 168-a[3][a][i]; Penal Law § 130.65).

Since the defendant pleaded guilty with the understanding that he would receive the sentence which was thereafter actually imposed, he has no basis now to complain that his sentence

July 22, 2008

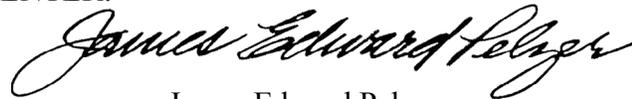
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was excessive (*see People v Fanelli*, 8 AD3d 296; *People v Mejia*, 6 AD3d 630, 631; *People v Kazepis*, 101 AD2d 816).

SKELOS, J.P., SANTUCCI, COVELLO, McCARTHY and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, looping initial "J".

James Edward Pelzer
Clerk of the Court