

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

D20329  
O/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - May 30, 2008

A. GAIL PRUDENTI, P.J.  
ROBERT A. SPOLZINO  
FRED T. SANTUCCI  
DANIEL D. ANGIOLILLO  
RANDALL T. ENG, JJ.

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2007-01677

DECISION & ORDER

The People, etc., respondent,  
v Carl Gainey, appellant.

(Ind. No. 10681/00)

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Lynn W. L. Fahey, New York, N.Y., for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Merri Turk Lasky, and Naomi K. Schneidmill of counsel), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (Gavrin, J.), imposed February 9, 2007, on the ground that the sentence is excessive.

ORDERED that the sentence is affirmed. No opinion.

PRUDENTI, P.J., SPOLZINO, SANTUCCI, ANGIOLILLO and ENG, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 9, 2008

PEOPLE v GAINNEY, CARL