

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

D21501
C/prt

_____AD3d_____

Submitted - November 20, 2008

WILLIAM F. MASTRO, J.P.
HOWARD MILLER
RUTH C. BALKIN
WILLIAM E. McCARTHY, JJ.

2007-11009

DECISION & ORDER

The People, etc., respondent,
v James Anderson, a/k/a Wilfred
Anderson, appellant.

(Ind. No. 1662/05)

Lynn W. L. Fahey, New York, N.Y. (David P. Greenberg of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano and
Johnnette Traill of counsel; Yvonne Berry on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Latella, J.), rendered November 19, 2007, convicting him of robbery in the first degree, robbery in the second degree, assault in the second degree, criminal possession of stolen property in the fourth degree, criminal possession of stolen property in the fifth degree, and unlawful possession of a knife, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant argues that the duration of the order of protection issued at the time of sentencing exceeded the maximum time limits of CPL 530.13(4). However, the defendant failed to preserve this argument for appellate review because he did not raise the issue at sentencing or move to amend the final order of protection on this ground (*see* CPL 470.05[2]; *People v Nieves*, 2

December 16, 2008

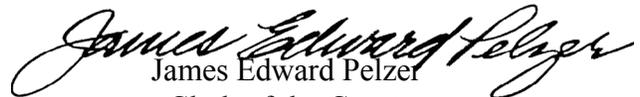
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NY3d 310, 316-318), and we decline to review it in the exercise of our interest of justice jurisdiction (see *People v Dale*, 43 AD2d 1075; *People v Varner*, 39 AD3d 882).

MASTRO, J.P., MILLER, BALKIN and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court