

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

D24451
W/hu

_____AD3d_____

Submitted - September 8, 2009

STEVEN W. FISHER, J.P.
RUTH C. BALKIN
L. PRISCILLA HALL
LEONARD B. AUSTIN, JJ.

2007-01768

DECISION & ORDER

The People, etc., respondent,
v Anthony Thompson, appellant.

(Ind. No. 2306/02)

Lynn W. L. Fahey, New York, N.Y. (Warren S. Landau of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Morgan J. Dennehy of counsel; Christine S. Seo on the brief), for respondent.

Appeal by the defendant from a resentence of the Supreme Court, Kings County (Reichbach, J.), imposed February 1, 2007, upon his conviction of attempted murder in the second degree, manslaughter in the first degree, and criminal possession of a weapon in the fourth degree, upon a jury verdict.

ORDERED that the resentence is affirmed.

The defendant failed to preserve his claim that the Supreme Court should have obtained an updated presentence report before resentencing him (*see People v Grzywaczewski*, 61 AD3d 699, 700; *People v Pomaes*, 37 AD3d 1098; *People v Gambichler*, 25 AD3d 722, 723). His claim is, in any event, without merit (*see People v Kuey*, 83 NY2d 278, 282-283; *People v Davis*, 30 AD3d 298; *People v Roberts*, 214 AD2d 592, 593).

September 29, 2009

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The resentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

FISHER, J.P., BALKIN, HALL and AUSTIN, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court