

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

D24718
O/kmg

_____AD3d_____

Submitted - September 23, 2009

REINALDO E. RIVERA, J.P.
HOWARD MILLER
RUTH C. BALKIN
JOHN M. LEVENTHAL
L. PRISCILLA HALL, JJ.

2006-03865

DECISION & ORDER

The People, etc., respondent,
v Charles Clarkson, Jr., appellant.

(Ind. No. 249/05)

Gary E. Eisenberg, New City, N.Y., for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Joan H. McCarthy of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Dutchess County (Hayes, J.), rendered April 11, 2006, convicting him of operating a motor vehicle while under the influence of alcohol, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The enhanced sentence imposed due to the defendant's failure to comply with the conditions of the plea agreement was not excessive (*see People v Suitte*, 90 AD2d 80).

RIVERA, J.P., MILLER, BALKIN, LEVENTHAL and HALL, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 20, 2009

PEOPLE v CLARKSON, CHARLES, JR.