

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

D24956  
C/kmg

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Submitted - October 13, 2009

REINALDO E. RIVERA, J.P.  
STEVEN W. FISHER  
ARIEL E. BELEN  
LEONARD B. AUSTIN, JJ.

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2009-00851

DECISION & ORDER

The People, etc., respondent,  
v Jimmy Veloza, appellant.

(Ind. No. 7409/04)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Jodi L. Mandel of counsel; Xiaobo Chen on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Parker, J.), rendered January 12, 2009, convicting him of burglary in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court did not improvidently exercise its discretion in denying him youthful offender treatment (*see* CPL 720.20; *People v Casey*, 33 AD3d 929; *People v Greene*, 13 AD3d 647, 648; *People v Gonzalez*, 265 AD2d 216; *People v Wallace*, 246 AD2d 676). Moreover, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

RIVERA, J.P., FISHER, BELEN and AUSTIN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

November 10, 2009

PEOPLE v VELOZA, JIMMY