

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

D25011
Y/cb

_____AD3d_____

Submitted - October 19, 2009

MARK C. DILLON, J.P.
THOMAS A. DICKERSON
ARIEL E. BELEN
SHERI S. ROMAN, JJ.

2008-11734

DECISION & ORDER

The People, etc., respondent,
v Roosevelt Bussey, appellant.

(Ind. No. 2523/06)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonardo Joblove and Jodi L. Mandel of counsel; Kai Fan intern on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Del Giudice, J.), rendered December 8, 2008, convicting him of robbery in the third degree, after a nonjury trial and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant failed to establish extraordinary circumstances that would warrant disturbing the sentence imposed (*see People v Pedraza*, 66 NY2d 626, 627; *People v Farrar*, 52 NY2d 302, 305-306; *People v Masters*, 36 AD3d 959, 960; *People v Torres*, 150 AD2d 406). Further, in light of the defendant's extensive criminal history, which includes numerous felony convictions for robbery, and the circumstances surrounding the commission of the instant offense, the sentencing of the defendant, as a second felony offender, to the maximum sentence was not excessive (*see Penal Law §§ 70.06[3][d]*, [4][b]; 160.05; *People v Toney*, 12 AD3d 623; *People v Rychel*, 284 AD2d 662; *People v Suitte*, 90 AD2d 80, 84).

DILLON, J.P., DICKERSON, BELEN and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer

Clerk of the Court

November 10, 2009

PEOPLE v BUSSEY, ROOSEVELT