

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

D25034  
H/nl

\_\_\_\_AD3d\_\_\_\_

Submitted - September 25, 2009

MARK C. DILLON, J.P.  
THOMAS A. DICKERSON  
PLUMMER E. LOTT  
LEONARD B. AUSTIN, JJ.

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2007-11414

DECISION & ORDER

The People, etc., respondent,  
v Wykeme Corker, appellant.

(Ind. No. 99-00450)

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

Thomas P. Zugibe, District Attorney, New City, N.Y. (Itamar J. Yeger of counsel;  
Severyn Rebisz on the brief), for respondent.

Appeal by the defendant from a resentence of the County Court, Rockland County  
(Alfieri, J.), imposed June 4, 2007, upon his conviction of assault in the first degree, upon a jury  
verdict.

ORDERED that the resentence is affirmed.

The defendant's contentions that resentencing him approximately 7 years into his 12  
½ year term of imprisonment to add to his sentence the statutorily mandated period of postrelease  
supervision (*see* Penal Law § 70.45) violated his State and Federal constitutional rights to due  
process, to equal protection, and not to be subjected to cruel and unusual punishment, are  
unpreserved for appellate review (*see People v Rosario*, 22 AD3d 871, 872; *People v Travis*, 213  
AD2d 571; *cf. People v Samms*, 95 NY2d 52, 56), and we decline to reach those contentions in the  
exercise of our interest of justice jurisdiction.

November 17, 2009

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The period of postrelease supervision imposed on the resentence was not excessive  
(see *People v Suitte*, 90 AD2d 80).

DILLON, J.P., DICKERSON, LOTT and AUSTIN, JJ., concur.

ENTER:

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

James Edward Pelzer  
Clerk of the Court