

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

D25557
C/kmg

_____AD3d_____

Submitted - December 2, 2009

STEVEN W. FISHER, J.P.
FRED T. SANTUCCI
THOMAS A. DICKERSON
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2009-01210

DECISION & ORDER

The People, etc., respondent,
v Michael L. Campbell, appellant.

(Ind. No. 73/08)

Jacobowitz and Gubits, LLP, Walden, N.Y. (David Gandin of counsel), for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Kirsten A. Rappleyea of counsel), for respondent.

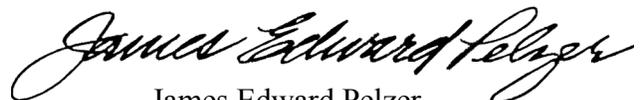
Appeal by the defendant from a judgment of the County Court, Dutchess County (Hayes, J.), rendered January 30, 2009, convicting him of assault in the first degree and burglary in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Since the defendant pleaded guilty with the understanding that he would receive the sentence which was thereafter actually imposed, he has no basis to now complain that his sentence was excessive (*see People v Cash*, 63 AD3d 1177; *People v Domin*, 13 AD3d 391; *People v Kazepis*, 101 AD2d 816, 817).

FISHER, J.P., SANTUCCI, DICKERSON, CHAMBERS and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 5, 2010

PEOPLE v CAMPBELL, MICHAEL L.