

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

D25838
C/hu

_____AD3d_____

Submitted - December 16, 2009

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

2008-06133

DECISION & ORDER

The People, etc., respondent,
v Segundo Caguana, appellant.

(Ind. No. 07-00139)

James D. Licata, New City, N.Y. (Lois Cappelletti of counsel), for appellant.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Itamar J. Yeger of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Rockland County (Bartlett, J.), rendered December 11, 2007, convicting him of predatory sexual assault against a child (two counts), rape in the first degree, criminal sexual act in the first degree, sexual abuse in the first degree (two counts), and endangering the welfare of a child, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

“[S]ince the defendant pleaded guilty with the understanding that he would receive the sentence which thereafter was actually imposed, he has no basis to now complain that his sentence was excessive” (*People v Schnoor*, 63 AD3d 760, 760; *see People v Prude*, 62 AD3d 914; *People v De Alvarez*, 59 AD3d 732; *People v Kazepis*, 101 AD2d 816).

In any event, the sentence was not excessive, and there is nothing in the record which would warrant disturbing the sentence (*see People v Suitte*, 90 AD2d 80).

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