

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

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_____AD3d_____

Submitted - December 16, 2009

REINALDO E. RIVERA, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
SHERI S. ROMAN, JJ.

2008-10768

DECISION & ORDER

The People, etc., respondent,
v Anton Williams, appellant.

(S.C.I. No. 07-00098)

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 (Kelly, J.), rendered November 14, 2007, convicting him of robbery in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Since the defendant pleaded guilty with the express understanding that if he failed to successfully complete a Drug Treatment Alternative-to-Prison Program, the County Court would impose the enhanced sentence of which he now complains, he has “no basis now to complain that his sentence was excessive” (*People v Melendez-Smith*, 66 AD3d 1042, 1043; *see People v Kazepis*, 101 AD2d 816, 817; *People v Billups*, 63 AD3d 750). In any event, under the circumstances, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

RIVERA, J.P., COVELLO, ANGIOLILLO, LEVENTHAL and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 2, 2010

PEOPLE v WILLIAMS, ANTON