

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

D27383  
C/kmg

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

Argued - April 6, 2010

STEVEN W. FISHER, J.P.  
MARK C. DILLON  
THOMAS A. DICKERSON  
RANDALL T. ENG, JJ.

---

2007-02002

DECISION & ORDER

The People, etc., respondent,  
v Freddie Santos, appellant.

(Ind. No. 271/06)

---

Lynn W. L. Fahey, New York, N.Y. (Sarah J. Berger of counsel), for appellant, and appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Thomas M. Ross, and Thomas C. White of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Holdman, J.), rendered February 23, 2007, convicting him of robbery in the first degree (three counts), upon a jury verdict, and sentencing him as a second violent felony offender to three determinate terms of imprisonment of 25 years, the first two to run concurrently and the third to run consecutively.

ORDERED that the judgment is modified, as a matter of discretion in the interest of justice, by reducing the consecutive determinate term of imprisonment on the third count of robbery in the first degree from 25 years to 15 years; as so modified, the judgment is affirmed.

The defendant received meaningful representation of counsel (*see People v Benevento*, 91 NY2d 708, 712; *People v Baldi*, 54 NY2d 137).

The sentence was excessive to the extent indicated herein.

May 18, 2010

PEOPLE v SANTOS, FREDDIE

Page 1.

The defendant's remaining contentions either are without merit or do not require reversal.

FISHER, J.P., DILLON, DICKERSON and ENG, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive style with a large initial "J".

James Edward Pelzer  
Clerk of the Court