

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

D28853
W/kmg

_____AD3d_____

Submitted - September 20, 2010

JOSEPH COVELLO, J.P.
JOHN M. LEVENTHAL
L. PRISCILLA HALL
SANDRA L. SGROI, JJ.

2009-05830

DECISION & ORDER

The People, etc., respondent,
v Timothy J. Baker, appellant.

(Ind. No. 75/05)

Carol Kahn, New York, N.Y., for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Joan H. McCarthy of counsel), for respondent.

Appeal by the defendant from an amended judgment of the County Court, Dutchess County (Hayes, J.), rendered May 27, 2009, revoking a sentence of probation previously imposed by the same court, upon a finding that he had violated a condition thereof, upon his admission, and imposing a sentence of imprisonment upon his previous conviction of criminally negligent homicide.

ORDERED that the amended judgment is affirmed.

The sentence imposed was not excessive (*see People v Williams*, 69 AD3d 887; *People v Haimson*, 164 AD2d 867; *People v Suitte*, 90 AD2d 80). The defendant's remaining contentions relate to matter dehors the record, and may not be addressed on this appeal (*see People v Moss*, 74 AD3d 1360; *People v Tillman*, 74 AD3d 1251, *lv denied* 15 NY3d 856).

COVELLO, J.P., LEVENTHAL, HALL and SGROI, JJ., concur.

ENTER:


Matthew G. Kiernan

Clerk of the Court

November 3, 2010

PEOPLE v BAKER, TIMOTHY J.