

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

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_____AD3d_____

Submitted - October 20, 2010

STEVEN W. FISHER, J.P.
MARK C. DILLON
RUTH C. BALKIN
CHERYL E. CHAMBERS
SANDRA L. SGROI, JJ.

2009-09958

DECISION & ORDER

The People, etc., respondent,
v Brunel Maxineau, appellant.

(Ind. No. 1213/08)

Lynn W. L. Fahey, New York, N.Y. (Barry Stendig of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano and Jeanette Lifschitz of counsel; Steven Harkins on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Knopf, J.), rendered October 5, 2009, convicting him of rape in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant argues that the duration of the order of protection issued at the time of sentencing exceeded the maximum time limits of CPL 530.13(4) and failed to take into account jail-time credits. However, the defendant failed to preserve this argument for appellate review because he did not raise the issue at sentencing or move to amend the final order of protection on this ground (*see* CPL 470.05[2]; *People v Nieves*, 2 NY3d 310, 316-318), and we decline to review it in

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the exercise of our interest of justice jurisdiction (*see People v Dale*, 43 AD3d 1075; *People v Varner*, 39 AD3d 882).

FISHER, J.P., DILLON, BALKIN, CHAMBERS and SGROI, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive style with a large, prominent initial "M".

Matthew G. Kiernan
Clerk of the Court