

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

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_____AD3d_____

Submitted - January 7, 2011

WILLIAM F. MASTRO, J.P.
CHERYL E. CHAMBERS
SHERI S. ROMAN
JEFFREY A. COHEN, JJ.

2009-11637

DECISION & ORDER

The People, etc., respondent,
v David Hotaling, appellant.

(Ind. No. 73/09)

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

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Kirsten A. Rappleyea of counsel), for respondent.

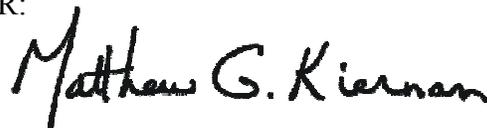
Appeal by the defendant from an amended judgment of the County Court, Dutchess County (Dolan, J.), rendered December 3, 2009, revoking a sentence of probation previously imposed by the same court, upon a finding that he violated conditions thereof, upon his admissions, and imposing a sentence of imprisonment upon his previous conviction of criminal sexual act in the first degree.

ORDERED that the amended judgment is affirmed.

The sentence imposed after the defendant's previously imposed sentence of probation was revoked was not excessive (*see People v Suitte*, 90 AD2d 80).

MASTRO, J.P., CHAMBERS, ROMAN and COHEN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

January 25, 2011

PEOPLE v HOTALING, DAVID