

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

D30580
C/hu

_____AD3d_____

Submitted - February 22, 2011

DANIEL D. ANGIOLILLO, J.P.
ANITA R. FLORIO
JOHN M. LEVENTHAL
ROBERT J. MILLER, JJ.

2010-06409

DECISION & ORDER

The People, etc., respondent,
v Oral Dawkins, appellant.

(Ind. No. 8813/01)

Lynn W. L. Fahey, New York, N.Y. (David P. Greenberg of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Morgan J. Dennehy of counsel), for respondent.

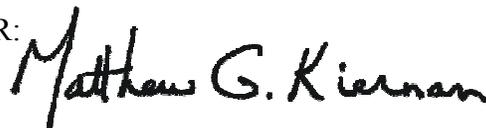
Appeal by the defendant from a resentence of the Supreme Court, Kings County (Brennan, J.), imposed June 11, 2010, which, upon his convictions of robbery in the first degree (three counts), burglary in the first degree, unlawful imprisonment in the second degree (three counts), and endangering the welfare of a child (three counts), imposed a period of postrelease supervision in addition to the determinate term of imprisonment previously imposed on December 9, 2002.

ORDERED that the resentence is affirmed.

Since the defendant had not yet completed his originally imposed sentence of imprisonment when he was resented, the resentencing to a term including the statutorily required period of postrelease supervision did not subject him to double jeopardy or violate his right to due process of law (*see People v Lingle*, 16 NY3d 621).

ANGIOLILLO, J.P., FLORIO, LEVENTHAL and MILLER, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

August 2, 2011

PEOPLE v DAWKINS, ORAL