

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

D30599
O/kmb

_____AD3d_____

Submitted - March 10, 2011

ANITA R. FLORIO, J.P.
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2008-10196

DECISION & ORDER

The People, etc., respondent,
v Bola Adeola, appellant.

(Ind. No. 10479/99)

Steven Banks, New York, N.Y. (Mitchell J. Briskey of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Johnnette Trill, and William H. Branigan of counsel), for respondent.

Appeal by the defendant from an order of the Supreme Court, Queens County (Kron, J.), dated September 26, 2008, which, after a hearing, denied his motion for resentencing pursuant to the Drug Law Reform Act of 2004 (L 2004, ch 738, § 23) on his conviction of criminal sale of a controlled substance in the first degree and criminal sale of a controlled substance in the second degree, which sentence was originally imposed, upon a jury verdict, on June 10, 2002.

ORDERED that the order is affirmed.

The Supreme Court did not improvidently exercise its discretion in denying the defendant's motion for resentencing pursuant to the Drug Law Reform Act of 2004 (L 2004, ch 738, § 23). The Supreme Court properly considered, among other things, the defendant's status as a high-level member of a drug trafficking enterprise. Under the circumstances, substantial justice dictated the denial of the motion (*see People v Winfield*, 59 AD3d 747, 748).

FLORIO, J.P., DICKERSON, LEVENTHAL and BELEN, JJ., concur.

ENTER:


Matthew G. Kiernan

Clerk of the Court

March 29, 2011

PEOPLE v ADEOLA, BOLA