

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

D30660
W/hu

_____AD3d_____

Submitted - March 11, 2011

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
RUTH C. BALKIN
ROBERT J. MILLER, JJ.

2009-07368

DECISION & ORDER

The People, etc., respondent,
v Jacob Carrasquillo, appellant.

(Ind. No. 7644/00)

Lynn W. L. Fahey, New York, N.Y. (Lisa Napoli 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 (Dowling, J.), imposed June 12, 2009, which, upon his conviction of manslaughter in the first degree, upon a jury verdict, imposed a period of postrelease supervision in addition to the determinate term of imprisonment previously imposed on April 15, 2002.

ORDERED that the resentence is affirmed.

The defendant was convicted, upon a jury verdict, of manslaughter in the first degree. On April 15, 2002, he was sentenced to a determinate term of 20 years imprisonment. On June 12, 2009, while the defendant was still incarcerated and serving the original sentence, the Supreme Court resented him to the same prison term, but with the term of 20 years imprisonment to be followed by a 5-year period of postrelease supervision.

Under the circumstances of this case, there is no merit to the defendant's contentions that the resentence violated the prohibition against double jeopardy and his due process rights because he had a legitimate expectation in the finality of his sentence (*see People v Williams*, 81 AD3d 756; *People v Tillman*, 74 AD3d 1251, 1251; *cf. People v Williams*, 14 NY3d 198, *cert denied* _____ US_____, 131 S Ct 125).

March 29, 2011

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The resentence imposed was not excessive (*see People v Suite*, 90 AD2d 80).

MASTRO, J.P., DILLON, BALKIN and MILLER, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court