

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

D30850
Y/hu

_____AD3d_____

Submitted - March 11, 2011

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

2007-04391

DECISION & ORDER

The People, etc., respondent,
v Mohammed Monsuri, appellant.

(Ind. No. 3880/04)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Terry-Ann Llewellyn of counsel; Steven Mizrahi on the memorandum), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Mangano, Jr., J.), rendered April 12, 2007, convicting him of attempted murder in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the People's contention, the defendant's waiver of his right to appeal was not valid (*see People v Bradshaw*, 76 AD3d 566, 569, *lv granted* 15 NY3d 896), and therefore the waiver cannot bar review of the defendant's claims.

Insofar as the record permits review of the defendant's claim that his attorney was ineffective, we reject that claim. Counsel provided the defendant with effective representation (*see Strickland v Washington*, 466 US 668, 694; *People v Baldi*, 54 NY2d 137, 147).

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

April 12, 2011

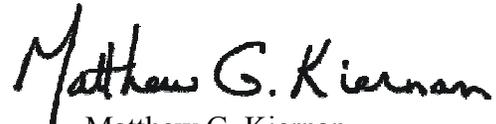
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The defendant's remaining contention is without merit.

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

ENTER:


Matthew G. Kiernan
Clerk of the Court