

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

D31358  
C/ct

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - May 2, 2011

DANIEL D. ANGIOLILLO, J.P.  
THOMAS A. DICKERSON  
ARIEL E. BELEN  
SANDRA L. SGROI, JJ.

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2010-00784

DECISION & ORDER

The People, etc., respondent,  
v Jesus Roman, appellant.

(Ind. No. 6173/01)

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Lynn W. L. Fahey, New York, N.Y. (Kathleen Whooley of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Maria Park of counsel; Marissa Prianti on the brief), for respondent.

Appeal by the defendant from a resentence of the Supreme Court, Kings County (Firetog, J.), imposed December 4, 2009, pursuant to CPL 440.46, upon his conviction of criminal possession of a controlled substance in the third degree, upon his plea of guilty.

ORDERED that the resentence is affirmed, without costs or disbursements.

We find no basis to disturb the resentence imposed (*see* CPL 440.46[3]; *People v Delgado*, 80 NY2d 780, 783; *People v Thompson*, 60 NY2d 513, 519; *People v Suite*, 90 AD2d 80, 85-86).

The People's remaining contention is unpreserved for appellate review.

ANGIOLILLO, J.P., DICKERSON, BELEN and SGROI, JJ., concur.

ENTER:   
Matthew G. Kiernan  
Clerk of the Court

May 17, 2011

PEOPLE v ROMAN, JESUS