

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

D31427  
O/prt

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Submitted - March 31, 2011

A. GAIL PRUDENTI, P.J.  
PETER B. SKELOS  
RUTH C. BALKIN  
CHERYL E. CHAMBERS  
SANDRA L. SGROI, JJ.

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2010-07911

DECISION & ORDER

The People, etc., respondent,  
v Mark Phelps, appellant.

(Ind. No. 10315/09)

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Lynn W. L. Fahey, New York, N.Y., for appellant.

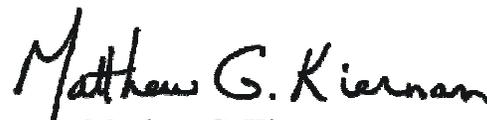
Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Diane R. Eisner of counsel), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (DiMango, J.), imposed July 22, 2010, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed. No opinion.

PRUDENTI, P.J., SKELOS, BALKIN, CHAMBERS and SGROI, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

May 24, 2011

PEOPLE v PHELPS, MARK