

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

D32037  
G/kmb

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Submitted - June 22, 2011

PETER B. SKELOS, J.P.  
THOMAS A. DICKERSON  
L. PRISCILLA HALL  
LEONARD B. AUSTIN  
ROBERT J. MILLER, JJ.

2009-03018

DECISION & ORDER

The People, etc., respondent,  
v Kenneth Harris, appellant.

(Ind. No. 7793/00)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Jodi L. Mandel of counsel; Robert Ho and Gamaliel Marrero on the brief), for respondent.

Appeal by the defendant from a resentence of the Supreme Court, Kings County (Gary, J.), imposed March 5, 2009, which, upon his convictions of robbery in the first degree (two counts), upon his plea of guilty, imposed periods of postrelease supervision in addition to the determinate sentences of imprisonment previously imposed on October 22, 2001.

ORDERED that the resentence is affirmed.

Contrary to the contentions of the defendant, who had not yet completed his originally imposed sentences of imprisonment when he was resentenced, his resentencing to a term including the statutorily required periods of postrelease supervision did not subject him to double jeopardy or violate his right to due process of law (*see People v Lingle*, 16 NY3d 621, 630-632; *People v Burgos*, 84 AD3d 975).

SKELOS, J.P., DICKERSON, HALL, AUSTIN and MILLER, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

July 5, 2011

PEOPLE v HARRIS, KENNETH