

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

D32053
C/kmb

____AD3d____

Submitted - June 17, 2011

PETER B. SKELOS, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2006-08895

DECISION & ORDER

The People, etc., respondent,
v Jose Quintero, appellant.

(Ind. No. 1715/00)

Craig S. Leeds, New York, N.Y., for appellant.

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

Appeal by the defendant from an order of the Supreme Court, Kings County (Tomei, J.), entered July 3, 2006, which, after a hearing, denied his motion to be resentenced pursuant to the Drug Law Reform Act of 2005 (L 2005, ch 643) on his conviction of criminal possession of a controlled substance in the second degree, which sentence was originally imposed, upon his plea of guilty, on February 5, 2001.

ORDERED that the order is affirmed.

The Supreme Court did not improvidently exercise its discretion in denying the defendant's motion to be resentenced under the Drug Law Reform Act of 2005 (L 2005, ch 643). In light of the defendant's extensive criminal history, including violent crimes and crimes committed while the defendant was on parole, substantial justice dictated that the motion be denied (*see People v Winfield*, 59 AD3d 747; *People v Curry*, 52 AD3d 732).

SKELOS, J.P., BALKIN, LEVENTHAL and LOTT, JJ., concur.

ENTER:


Matthew G. Kiernan

Matthew G. Kiernan
Clerk of the Court

July 12, 2011

PEOPLE v QUINTERO, JOSE