

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

D32453
C/prt

_____AD3d_____

Submitted - August 26, 2011

A. GAIL PRUDENTI, P.J.
PETER B. SKELOS
THOMAS A. DICKERSON
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2010-10553

DECISION & ORDER

The People, etc., respondent,
v Raul Gruiero, appellant.

(Ind. No. 3669/01)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Maria Park of counsel), for respondent.

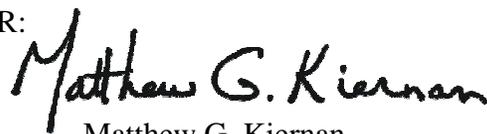
Appeal by the defendant, as limited by his motion, from a resentence of the Supreme Court, Kings County (D'Emic, J.), imposed October 26, 2010, upon his conviction, inter alia, of manslaughter in the second degree, upon his plea of guilty, and resentencing him to an indeterminate term of 5 to 10 years of imprisonment, on the ground that the resentence is excessive.

ORDERED that the resentence is modified, as a matter of discretion in the interest of justice, by reducing the resentence imposed upon the conviction of manslaughter in the second degree from an indeterminate term of 5 to 10 years of imprisonment to an indeterminate term of 3 to 6 years of imprisonment.

The resentence imposed upon the defendant's conviction of manslaughter in the second degree is excessive to the extent indicated (*see generally People v Suite*, 90 AD2d 80, 86).

PRUDENTI, P.J., SKELOS, DICKERSON, LOTT and COHEN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

October 4, 2011

PEOPLE v GRUIERO, RAUL