

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

D32480
N/kmb

_____AD3d_____

Submitted - September 20, 2011

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
RANDALL T. ENG
SANDRA L. SGROI, JJ.

2008-11047

DECISION & ORDER

The People, etc., respondent,
v Dwayne Holmes, appellant.

(Ind. No. 9887/06)

Lynn W. L. Fahey, New York, N.Y. (Joshua M. Levine of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Ruth E. Ross, and Jordan W. Rossman of counsel), for respondent.

Appeal by the defendant, as limited by his brief, from a sentence of the Supreme Court, Kings County (Lott, J.), imposed November 5, 2008, upon his conviction of criminal possession of a weapon in the second degree and criminal possession of a forged instrument in the second degree (11 counts), upon a jury verdict, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

Contrary to the defendant's contention, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

MASTRO, J.P., FLORIO, ENG and SGROI, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

October 11, 2011

PEOPLE v HOLMES, DWAYNE