

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

D32614
Y/ct

_____AD3d_____

Submitted - October 5, 2011

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
RANDALL T. ENG
L. PRISCILLA HALL
JEFFREY A. COHEN, JJ.

2007-08339

DECISION & ORDER

The People, etc., respondent,
v Hugh Scala, appellant.

(Ind. No. 06-00505)

James Licata, New City, N.Y. (Lois Cappelletti of counsel), for appellant, and appellant pro se.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Itamar J. Yeger of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Rockland County (Bartlett, J.), rendered August 7, 2007, convicting him of criminal sexual act in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Since the defendant knowingly, voluntarily, and intelligently pleaded guilty with the understanding that he would receive the sentence which was thereafter actually imposed, he has no basis now to complain that the sentence imposed was excessive (*see People v Johnson*, 81 AD3d 663; *People v Bunn*, 79 AD3d 1143, 1143-1144; *People v Kazepis*, 101 AD2d 816, 817). In any event, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80, 83).

RIVERA, J.P., FLORIO, ENG, HALL and COHEN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

October 18, 2011

PEOPLE v SCALA, HUGH