

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

D32914
H/prt

_____AD3d_____

Submitted - October 31, 2011

REINALDO E. RIVERA, J.P.
THOMAS A. DICKERSON
RANDALL T. ENG
SHERI S. ROMAN, JJ.

2010-07141

DECISION & ORDER

The People, etc., respondent,
v Houston Douglas, appellant.

(Ind. No. 6029/04)

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 and Solomon Neubort of counsel; Reuben Arnold on the brief), for respondent.

Appeal by the defendant from a resentence of the Supreme Court, Kings County (Reichbach, J.), imposed June 16, 2010, which, upon his convictions of assault in the first degree, criminal possession of a weapon in the second degree, and reckless endangerment in the first degree, upon a jury verdict, imposed a period of postrelease supervision in addition to the determinate terms of imprisonment previously imposed on April 26, 2006.

ORDERED that the resentence is affirmed.

Since the defendant had not yet completed his originally imposed sentence of imprisonment when he was resentenced, resentencing him to a term which included the statutorily required period 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; *People v Dawkins*, 87 AD3d 550; *People v Harris*, 86 AD3d 543, 543-544, *lv denied* 17 NY3d 859; *People v Guillen*, 85 AD3d 1201, 1202, *lv denied* 17 NY3d 859).

November 15, 2011

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The defendant's remaining contention is without merit.

RIVERA, J.P., DICKERSON, ENG and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court