

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

D33148  
N/ct

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - August 26, 2011

A. GAIL PRUDENTI, P.J.  
RUTH C. BALKIN  
L. PRISCILLA HALL  
SHERI S. ROMAN, JJ.

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2010-04589

DECISION & ORDER

The People, etc., respondent,  
v Kerri Watts, appellant.

(Ind. No. 4204/07)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Linda Breen of counsel; Robert Ho on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Del Giudice, J.), imposed May 5, 2010, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

Under the circumstances of this case, the defendant's waiver of the right to appeal does not foreclose her right to challenge the sentence ultimately imposed (*see People v Banchs*, 22 AD3d 595; *People v Eldridge*, 8 AD3d 294, 295). Nevertheless, the sentence imposed was not excessive (*see People v Suite*, 90 AD2d 80).

PRUDENTI, P.J., BALKIN, HALL and ROMAN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

November 29, 2011

PEOPLE v WATTS, KERRI