

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

D33472
O/kmb

_____AD3d_____

Submitted - December 14, 2011

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
ARIEL E. BELEN
PLUMMER E. LOTT
SHERI S. ROMAN, JJ.

2011-02850

DECISION & ORDER

The People, etc., respondent,
v Joseph Mills, appellant.

(Ind. No. 4352/99)

Lynn W. L. Fahey, New York, N.Y. (Kathleen Whooley of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Morgan J. Dennehy of counsel; Joseph N. Schneiderman on the brief), for respondent.

Appeal by the defendant from a resentence of the Supreme Court, Kings County (Brennan, J.), imposed March 16, 2011, which, upon his convictions of manslaughter in the first degree and assault in the first degree, upon his plea of guilty, imposed periods of postrelease supervision in addition to the determinate terms of imprisonment previously imposed on January 14, 2000.

ORDERED that the resentence is affirmed.

Inasmuch as the defendant had not yet completed serving his originally imposed sentences of imprisonment when he was resentenced, his resentencing to a term including the statutorily required periods 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, 630-632; *People v Algarin*, 89 AD3d 859).

December 27, 2011

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The defendant's remaining contention is without merit.

SKELOS, J.P., ANGIOLILLO, BELEN, LOTT and ROMAN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court