

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

D33491
O/ct

_____AD3d_____

Submitted - December 14, 2011

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

2010-02919

DECISION & ORDER

The People, etc., respondent,
v Barnabas Louis, appellant.

(Ind. No. 5864/99)

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 Solomon Neubort of counsel; Joseph N. Schneiderman on the brief), for respondent.

Appeal by the defendant from a resentence of the Supreme Court, Kings County (D’Emic, J.), imposed March 11, 2010, which, upon his conviction of manslaughter in the first degree, upon a jury verdict, imposed a period of postrelease supervision in addition to the determinate sentence of imprisonment previously imposed on January 8, 2001.

ORDERED that the resentence is affirmed.

Contrary to the defendant’s contention, his resentencing to a term including the statutorily-required period of postrelease supervision did not subject him to double jeopardy or violate his right to due process, since he had not yet completed his originally-imposed sentence of imprisonment at the time he was resented (*see People v Lingle*, 16 NY3d 621, 630-632; *People v Dawkins*, 87 AD3d 550; *People v Harris*, 86 AD3d 543, *lv denied* 17 NY3d 859; *People v Guillen*, 85 AD3d 1201, *lv denied* 17 NY3d 859).

December 27, 2011

PEOPLE v LOUIS, BARNABAS

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The defendant's remaining contentions are without merit.

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