

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

D33675  
O/ct

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

Submitted - January 4, 2012

DANIEL D. ANGIOLILLO, J.P.  
ANITA R. FLORIO  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2010-06140

DECISION & ORDER

The People, etc., respondent,  
v Anthony Ralph, appellant.

(Ind. No. 1365/00)

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Lynn W. L. Fahey, New York, N.Y. (Bonnie H. Stein of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Jodi L. Mandel of counsel; Gamaliel Marrero on the brief), for respondent.

Appeal by the defendant from a resentence of the Supreme Court, Kings County (Gerges, J.), imposed June 3, 2010, which, upon his conviction of manslaughter in the first degree, imposed a period of postrelease supervision in addition to the determinate term of imprisonment previously imposed on March 19, 2001.

ORDERED that the resentence is affirmed.

Inasmuch as the defendant had not yet completed serving his originally imposed sentence of imprisonment when he was resentenced, his resentencing to a term including the statutorily required period of postrelease supervision did not violate the double jeopardy and due process clauses of the United States Constitution (*see People v Lingle*, 16 NY3d 621, 630-632; *People v Algarin*, 89 AD3d 859).

The defendant's remaining contention is without merit.

ANGIOLILLO, J.P., FLORIO, LEVENTHAL and LOTT, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

January 17, 2012

PEOPLE v RALPH, ANTHONY