

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

D34063
Y/prt

_____AD3d_____

Submitted - January 26, 2012

REINALDO E. RIVERA, J.P.
RANDALL T. ENG
L. PRISCILLA HALL
SANDRA L. SGROI, JJ.

2011-00264

DECISION & ORDER

The People, etc., respondent,
v Lawrence Blankymsee, appellant.

(Ind. No. 11185/01)

Lynn W. L. Fahey, New York, N.Y. (Paul Skip Laisure of counsel; David Lowry on the brief), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Jeannette Lifschitz, and Tina Grillo of counsel), for respondent.

Appeal by the defendant from a resentence of the Supreme Court, Queens County (Knopf, J.), imposed October 20, 2010, which, upon his conviction of criminal possession of a weapon in the third degree (two counts), upon a jury verdict, imposed periods of postrelease supervision in addition to the determinate terms of imprisonment previously imposed on May 20, 2004.

ORDERED that the resentence is affirmed.

Contrary to the defendant's contention, his resentencing to a term which included the statutorily-required periods of postrelease supervision did not subject him to double jeopardy or violate his right to due process, since he had not yet completed serving his originally imposed sentence of imprisonment at the time he was resented (see *People v Lingle*, 16 NY3d 621, 630, 632; *People v Louis*, 90 AD3d 1075; *People v Brinson*, 90 AD3d 670; *People v Dawkins*, 87 AD3d 550; *People v Harris*, 86 AD3d 543, 543-544). At the time of the resentencing, the defendant was

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still serving a “single, combined sentence” (*People v Brinson*, 90 AD3d at 672).

RIVERA, J.P., ENG, HALL and SGROI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court