

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

D34329  
N/kmb

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

Submitted - January 27, 2012

WILLIAM F. MASTRO, A.P.J.  
ANITA R. FLORIO  
RUTH C. BALKIN  
CHERYL E. CHAMBERS, JJ.

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2010-07005

DECISION & ORDER

The People, etc., respondent,  
v Vernon Jackson, appellant.

(Ind. No. 1965/09)

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

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

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (Kron, J.), imposed June 28, 2010, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

Contrary to the People's contention, the defendant did not validly waive his right to appeal (*see People v Lopez*, 6 NY3d 248, 256; *People v Rosato*, 37 AD3d 741). However, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

MASTRO, A.P.J., FLORIO, BALKIN and CHAMBERS, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

April 10, 2012

PEOPLE v JACKSON, VERNON