

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

D34450
C/kmb

_____AD3d_____

Submitted - December 30, 2011

WILLIAM F. MASTRO, A.P.J.
PETER B. SKELOS
JOHN M. LEVENTHAL
LEONARD B. AUSTIN
JEFFREY A. COHEN, JJ.

2011-01219
2011-05370

DECISION & ORDER

The People, etc., respondent,
v John Angelis, appellant.

(S.C.I. Nos. 10673/09, 10018/11)

Lynn W. L. Fahey, New York, N.Y., for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Daniel Bresnahan, and Matthew Sweet of counsel), for respondent.

Appeal by the defendant, as limited by his motion, from two sentences of the Supreme Court, Queens County (Mullings, J.), both imposed January 19, 2011, upon his pleas of guilty, on the ground that the sentences were excessive.

ORDERED that the sentences are affirmed.

The defendant's purported waiver of his right to appeal was invalid (*see People v Callahan*, 80 NY2d 273, 283; *People v Bradshaw*, 76 AD3d 566, 568-569), and, thus, does not preclude review of his excessive sentence claims. However, the sentences imposed were not excessive (*see People v Suite*, 90 AD2d 80).

MASTRO, A.P.J., SKELOS, LEVENTHAL, AUSTIN and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

April 10, 2012

PEOPLE v ANGELIS, JOHN