

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

D34651
C/prt

_____AD3d_____

Submitted - March 22, 2012

PETER B. SKELOS, J.P.
ANITA R. FLORIO
RANDALL T. ENG
SHERI S. ROMAN, JJ.

2010-11088

DECISION & ORDER

The People, etc., respondent, v
Robert Jones, appellant.

(Ind. No. 416/99)

Lynn W. L. Fahey, New York, N.Y. (Melissa S. Horlick of counsel), for appellant.

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

Appeal by the defendant from a resentence of the Supreme Court, Kings County (Brennan, J.), imposed November 4, 2010, which, upon his conviction of burglary in the second degree, upon a jury verdict, imposed a period of postrelease supervision in addition to the determinate term of imprisonment previously imposed on January 10, 2000.

ORDERED that the resentence is affirmed.

Since 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 subject him to double jeopardy or violate his right to due process of law (*see People v Lingle*, 16 NY3d 621; *People v Pemberton*, 93 AD3d 681; *People v John*, 92 AD3d 896; *People v Mills*, 90 AD3d 1076; *People v Douglas*, 89 AD3d 959; *People v Harris*, 86 AD3d 543, 543-544).

April 24, 2012

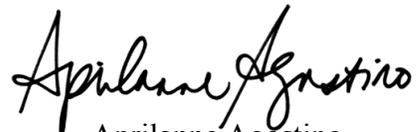
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The defendant's remaining contention is without merit.

SKELOS, J.P., FLORIO, ENG and ROMAN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court