

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

D34995
G/kmb

_____AD3d_____

Submitted - January 27, 2012

WILLIAM F. MASTRO, A.P.J.
REINALDO E. RIVERA
ARIEL E. BELEN
SHERI S. ROMAN
SANDRA L. SGROI, JJ.

2010-03115

DECISION & ORDER

The People, etc., respondent,
v Steven Dottery, appellant.

(Ind. No. 107/09)

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

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

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Sullivan, J.), imposed March 15, 2010, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

The defendant's purported waiver of his right to appeal was invalid (*see People v Bradshaw*, 18 NY3d 257, 265; *People v DeSimone*, 80 NY2d 273, 283) and, thus, does not preclude review of his excessive sentence claim. However, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

MASTRO, A.P.J., RIVERA, BELEN, ROMAN and SGROI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

May 23, 2012

PEOPLE v DOTTERY, STEVEN