

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

D35617
C/kmb

_____AD3d_____

Submitted - January 27, 2012

WILLIAM F. MASTRO, A.P.J.
MARK C. DILLON
RANDALL T. ENG
PLUMMER E. LOTT
ROBERT J. MILLER, JJ.

2010-10466

DECISION & ORDER

The People, etc., respondent,
v Ras Amadi Davis, appellant.

(Ind. No. 105/10)

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Karla J. Lato of counsel), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Suffolk County (R. Doyle, J.), imposed September 2, 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, 264; *People v Moyett*, 7 NY3d 892, 893; *People v Jacob*, 94 AD3d 1142) 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., DILLON, ENG, LOTT and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

July 18, 2012

PEOPLE v DAVIS, RAS AMADI