

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

D35981
N/kmb

_____AD3d_____

Submitted - March 30, 2012

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

2011-01783

DECISION & ORDER

The People, etc., respondent,
v Leonardo Cadenas, appellant.

(Ind. No. 10151/10)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Linda Breen of counsel; Gregory Musso on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (D'Emic, J.), imposed June 17, 2011, 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 Wright*, 89 AD3d 874, 874-875). 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

September 19, 2012

PEOPLE v CADENAS, LEONARDO