

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

D35985
W/kmb

_____AD3d_____

Submitted - July 27, 2012

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

2010-02303

DECISION & ORDER

The People, etc., respondent,
v Kedar Weston, appellant.

(Ind. No. 3721/05)

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

Michael A. Cardozo, Corporation Counsel, New York, N.Y. (Dona B. Morris of counsel), for respondent.

Appeal by the defendant, as limited by his motion, from an amended sentence of the Supreme Court, Kings County (Brennan, J.), imposed on January 28, 2010, consisting of a determinate term of imprisonment of 2 years plus a period of 1½ years of postrelease supervision.

ORDERED that the amended sentence is modified, as a matter of discretion in the interest of justice, by reducing the amended sentence from a determinate term of imprisonment of 2 years to a definite term of imprisonment of 364 days, and vacating the period of postrelease supervision.

The amended sentence is excessive to the extent indicated (*see generally* Penal Law § 70.00[4]; *People v Suitte*, 90 AD2d 80, 86).

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

ENTER:


Aprilanne Agostino
Clerk of the Court

September 19, 2012

PEOPLE v WESTON, KEDAR