

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

D36014  
O/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - June 29, 2012

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

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2011-08024

DECISION & ORDER

The People, etc., respondent,  
v Mauro Lopez, appellant.

(Ind. No. 158/10)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Lori Glachman of counsel; Lucas E. Wherry on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Firetog, J.), imposed December 20, 2010, 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 Sutte*, 90 AD2d 80).

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

ENTER:



Aprilanne Agostino  
Clerk of the Court

September 26, 2012

PEOPLE v LOPEZ, MAURO