

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

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_____AD3d_____

Submitted - September 5, 2012

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
PLUMMER E. LOTT, JJ.

2011-02790

DECISION & ORDER

The People, etc., respondent,
v Ned Barnes, appellant.

(Ind. No. 8037-10)

Salvatore C. Adamo, New York, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Marcia R. Kucera of counsel),
for respondent.

Appeal by the defendant from an amended judgment of the County Court, Suffolk County (Kahn, J.), rendered March 7, 2011, revoking a sentence of probation previously imposed by the Supreme Court, Nassau County (Calabrese, J.), upon a finding that he violated a condition thereof, upon his admission, and imposing a sentence of imprisonment upon his previous conviction of rape in the second degree.

ORDERED that the amended judgment is affirmed.

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

RIVERA, J.P., FLORIO, DICKERSON and LOTT, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 3, 2012

PEOPLE v BARNES, NED