

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

D36208  
C/kmb

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

Submitted - September 19, 2012

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

2011-03102

DECISION & ORDER

The People, etc., respondent,  
v Damien T. Pinckney, appellant.

(Ind. No. 2446/10)

Del Atwell, East Hampton, N.Y., for appellant.

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

Appeal by the defendant from a judgment of the County Court, Suffolk County (J. Doyle, J.), rendered March 22, 2011, convicting him of criminal possession of a controlled substance in the fifth degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

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

The defendant's contention that he was deprived of the effective assistance of counsel is without merit (*see People v Ford*, 86 NY2d 397, 404).

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

ENTER:



Aprilanne Agostino  
Clerk of the Court

October 17, 2012

PEOPLE v PINCKNEY, DAMIEN T.