

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

D36684
T/kmb

_____AD3d_____

Submitted - July 27, 2012

WILLIAM F. MASTRO, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
L. PRISCILLA HALL, JJ.

2011-02525

DECISION & ORDER

The People, etc., respondent,
v Edward McHugh, appellant.

(Ind. No. 293/09)

Lynn W. L. Fahey, New York, N.Y. (Paul Skip Laisure of counsel), for appellant.

Daniel M. Donovan, Jr., District Attorney, Staten Island, N.Y. (Morrie I. Kleinbart of counsel), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Richmond County (Rienzi, J.), imposed February 17, 2011, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

The defendant's purported waiver of his right to appeal was invalid (*see People v Bradshaw*, 18 NY3d 257, 265; *People v Lopez*, 6 NY3d 248, 256-257), and thus does not preclude review of his excessive sentence claim. However, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

MASTRO, J.P., ANGIOLILLO, DICKERSON and HALL, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

December 5, 2012

PEOPLE v McHUGH, EDWARD