

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

D54598  
T/htr

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

ALAN D. SCHEINKMAN, P.J.  
RUTH C. BALKIN  
COLLEEN D. DUFFY  
VALERIE BRATHWAITE NELSON, JJ.

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2013-08571

DECISION & ORDER

The People, etc., respondent,  
v Anthony Martin, appellant.

(Ind. No. 1768/11)

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

Richard A. Brown, District Attorney, Kew Gardens, NY (John M. Castellano, Johnnette Traill, and Merri Turk Lasky of counsel; Deanna Russo on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (Richard Buchter, J.), imposed July 30, 2012, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

The defendant's purported waiver of the right to appeal was invalid (*see People v Moyett*, 7 NY3d 892, 892-893; *People v Billingslea*, 6 NY3d 248, 257) and, thus, does not preclude review of his excessive sentence claim. Nevertheless, the sentence imposed was not excessive (*see People v Sutte*, 90 AD2d 80).

SCHEINKMAN, P.J., BALKIN, DUFFY and BRATHWAITE NELSON, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

June 13, 2018

PEOPLE v MARTIN, ANTHONY