

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

D54679
O/htr

_____AD3d_____

Submitted - February 7, 2018

MARK C. DILLON, J.P.
SANDRA L. SGROI
SYLVIA O. HINDS-RADIX
VALERIE BRATHWAITE NELSON
ANGELA G. IANNACCI, JJ.

2016-09996

DECISION & ORDER

The People, etc., respondent,
v Yusufu Dumbuya, appellant.

(Ind. No. 16-00008)

Mark Diamond, New York, NY, for appellant.

Anthony A. Scarpino, Jr., District Attorney, White Plains, NY (William C. Milaccio of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Susan M. Capeci, J.), rendered August 24, 2016, convicting him of criminal sale of a controlled substance in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the County Court did not impose a period of postrelease supervision in addition to the definite term of imprisonment imposed upon his conviction of criminal sale of a controlled substance in the third degree. The court properly imposed only a definite term of imprisonment of nine months upon his conviction of that crime (*see* Penal Law §§ 70.45[1]; 70.70[2][c]).

DILLON, J.P., SGROI, HINDS-RADIX, BRATHWAITE NELSON and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 7, 2018

PEOPLE v DUMBUYA, YUSUFU