

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

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M/htr

_____AD3d_____

ALAN D. SCHEINKMAN, P.J.
WILLIAM F. MASTRO
SHERI S. ROMAN
HECTOR D. LASALLE
LINDA CHRISTOPHER, JJ.

2016-08275

DECISION & ORDER

The People, etc., respondent,
v Alberto Rosa-Cruz, appellant.

(Ind. No. 1302/16)

Paul Skip Laisure, New York, NY (Sean H. Murray of counsel), for appellant.

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

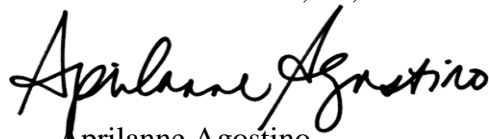
Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (Barry Kron, J.), imposed July 19, 2016, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

The defendant's purported waiver of the right to appeal was invalid (*see People v Bradshaw*, 18 NY3d 257, 267; *People v Brown*, 122 AD3d 133, 137) and, thus, does not preclude review of his excessive sentence claim. However, the sentence imposed was not excessive (*see People v Suite*, 90 AD2d 80).

SCHEINKMAN, P.J., MASTRO, ROMAN, LASALLE and CHRISTOPHER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

March 14, 2018

PEOPLE v ROSA-CRUZ, ALBERTO