

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

D55233
O/htr

_____AD3d_____

Submitted - March 28, 2018

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

2017-02415

DECISION & ORDER

The People, etc., respondent, v Ahmed Elkhatib,
appellant.

(Ind. No. 10064/16)

Steven A. Feldman, Uniondale, NY, for appellant.

William V. Grady, District Attorney, Poughkeepsie, NY (Bridget R. Steller of counsel), for respondent.


Appeal by the defendant from a judgment of the County Court, Dutchess County (Peter M. Forman, J.), rendered November 29, 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.

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80). Moreover, the sentencing court providently exercised its discretion in declining to direct the Department of Corrections and Community Supervision to enroll the defendant in the shock incarceration program (*see* Penal Law § 60.04[7][a]; Correction Law art 26-A), or that his sentence be executed as a sentence of parole supervision pursuant to CPL 410.91.

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

ENTER:



Aprilanne Agostino
Clerk of the Court

May 2, 2018

PEOPLE v ELKHATIB, AHMED