

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

D56275
Q/htr

_____AD3d_____

Argued - April 23, 2018

SHERI S. ROMAN, J.P.
JEFFREY A. COHEN
ROBERT J. MILLER
JOSEPH J. MALTESE, JJ.

2016-10271

DECISION & ORDER

The People, etc., respondent,
v Guadalupe Hernandez, appellant.

(Ind. No. 2657-15)

Laurette D. Mulry, Riverhead, NY (Felice B. Milani of counsel), for appellant.

Timothy D. Sini, District Attorney, Riverhead, NY (Grazia DiVincenzo of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Timothy Mazzei, J.), rendered August 23, 2016, convicting him of rape in the first degree, criminal sexual act in the first degree, sexual abuse in the first degree (two counts), and endangering the welfare of a child, upon a jury verdict, and imposing sentence.

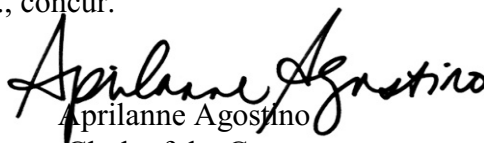
ORDERED that the judgment is affirmed.

The defendant failed to demonstrate that he was deprived of the effective assistance of counsel. The record as a whole demonstrates that counsel provided the defendant with meaningful representation (*see People v Caban*, 5 NY3d 143; *People v Benevento*, 91 NY2d 708, 712-713; *People v Baldi*, 54 NY2d 137; *People v Lancaster*, 127 AD3d 1235).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80, 95).

ROMAN, J.P., COHEN, MILLER and MALTESE, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

August 1, 2018

PEOPLE v HERNANDEZ, GUADALUPE