

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

D56363
O/hu

_____AD3d_____

Argued - April 24, 2018

JOHN M. LEVENTHAL, J.P.
LEONARD B. AUSTIN
COLLEEN D. DUFFY
BETSY BARROS, JJ.

2017-05367
2017-05369

DECISION & ORDER

The People, etc., respondent,
v Raymond Minaya, appellant.

(Ind. Nos. 8015/13, 8397/13)

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

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Diane R. Eisner of counsel; Masha Simonova on the brief), for respondent.

Appeals by the defendant from two resentences of the Supreme Court, Kings County (Martin P. Murphy, J.), both imposed May 3, 2017, after remittitur from this Court for resentencing (*see People v Minaya*, 147 AD3d 978), upon his convictions of robbery in the third degree under Indictment No. 8015/13, and attempted murder in the second degree under Indictment No. 8397/13, upon his pleas of guilty.

ORDERED that the resentences are affirmed.

“The determination of whether to grant or deny youthful offender status rests within the sound discretion of the court and depends upon all the attending facts and circumstances of the case” (*People v Hesterbey*, 121 AD3d 1127, 1128 [internal quotation marks omitted]; *see People v Dhillon*, 157 AD3d 900, 900-901; *People v Mullings*, 83 AD3d 871, 872). Here, weighing all of the relevant circumstances, the Supreme Court providently exercised its discretion in denying the defendant youthful offender treatment (*see CPL 720.20*[1]; *People v Dawkins*, 146 AD3d 898, 899; *People v Green*, 110 AD3d 825, 826).

LEVENTHAL, J.P., AUSTIN, DUFFY and BARROS, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

August 22, 2018

PEOPLE v MINAYA, RAYMOND