

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

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_____AD3d_____

Submitted - February 23, 2018

ALAN D. SCHEINKMAN, P.J.
LEONARD B. AUSTIN
ROBERT J. MILLER
SYLVIA O. HINDS-RADIX
JOSEPH J. MALTESE, JJ.

2016-03158

DECISION & ORDER

The People, etc., respondent,
v Alberto Leon, appellant.

(Ind. No. 90016/16)

Paul Skip Laisure, New York, NY (Nao Terai of counsel), for appellant.

Michael E. McMahon, District Attorney, Staten Island, NY (Morrie I. Kleinbart of counsel), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Richmond County (Alan J. Meyer, J.), imposed March 7, 2016, upon his plea of guilty, on the ground that the term of postrelease supervision imposed was excessive. Cross motion by the respondent to dismiss the appeal on the ground that it is barred by CPL 450.10(1).

ORDERED that the cross motion is denied (*see People v Pollenz*, 67 NY2d 264; *People v Lyons*, 161 AD3d 1196); and it is further,

ORDERED that the sentence is affirmed.

Contrary to the defendant's contention, the period of postrelease supervision imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

SCHEINKMAN, P.J., AUSTIN, MILLER, HINDS-RADIX and MALTESE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

September 19, 2018

PEOPLE v LEON, ALBERTO