

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

D57123
T/htr

_____AD3d_____

Argued - May 24, 2018

REINALDO E. RIVERA, J.P.
JOSEPH J. MALTESE
BETSY BARROS
LINDA CHRISTOPHER, JJ.

2012-07120

DECISION & ORDER

The People, etc., respondent,
v Isa Johnson, appellant.

(Ind. No. 5121/10)

The Legal Aid Society, New York, NY (David Crow and Quinn Emanuel Urquhart & Sullivan, LLP [Deborah S. Sohn], of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Sholom J. Twersky, and Paul Hastings LLP [Gary F. Giampetruzzi and Inna Coleman], of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Alan Marrus, J.), rendered July 16, 2012, convicting him of manslaughter in the first degree and attempted assault in the first degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

There is no merit to the defendant's contention that the Supreme Court should have granted his motion for a mistrial based on the prosecution's failure to timely disclose information pertaining to a pending criminal action against a prosecution witness (*see Brady v Maryland*, 373 US 83; *People v Rosario*, 9 NY2d 286; CPL 240.45[1][c]). The defendant failed to demonstrate that he suffered any prejudice from the delay in disclosure (*see CPL 240.75; People v Sanchez*, 144 AD3d 1179, 1180; *People v King*, 298 AD2d 530, 531; *People v Rodriguez*, 269 AD2d 613), and the information was provided to the defendant before cross-examination of the relevant witness (*see People v Sanchez*, 144 AD3d at 1180; *People v King*, 298 AD2d at 531).

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

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that a codefendant who pleaded guilty received a more lenient sentence does not warrant a reduction of the defendant's sentence (*see People v Leduc*, 140 AD3d 1305, 1307; *People v Merchant*, 171 AD2d 887, 888).

RIVERA, J.P., MALTESE, BARROS and CHRISTOPHER, JJ., concur.

ENTER: 

Aprilanne Agostino
Clerk of the Court