

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

D57233
L/afa

_____AD3d_____

Submitted - September 26, 2018

REINALDO E. RIVERA, J.P.
SANDRA L. SGROI
SYLVIA O. HINDS-RADIX
VALERIE BRATHWAITE NELSON
ANGELA G. IANNACCI, JJ.

2016-10802

DECISION & ORDER

The People, etc., respondent,
v Derek Bunyan, appellant.

(S.C.I. No. 431-09)

Laurette D. Mulry, Riverhead, NY (Alfred J. Cicale of counsel), for appellant.

Timothy D. Sini, District Attorney, Riverhead, NY (Edward A. Bannan of counsel),
for respondent.

Appeal by the defendant from an amended judgment of the County Court, Suffolk County (Barbara Kahn, J.), rendered September 1, 2016, revoking a sentence of probation previously imposed by the same court, upon a finding that he had violated conditions thereof, upon his admission, and imposing a sentence of imprisonment plus postrelease supervision upon his previous conviction of rape in the second degree.

ORDERED that the amended judgment is affirmed.

In 2009, the defendant pleaded guilty to rape in the second degree and was sentenced to a term of imprisonment of 6 months and a period of probation of 10 years. A violation of probation petition was filed against the defendant in 2016. On September 1, 2016, upon the defendant's admission that he had violated certain terms and conditions of his probation, the County Court revoked the sentence of probation and resentenced the defendant to a term of imprisonment of 2 years plus a period of postrelease supervision of 8 years.

November 7, 2018

Page 1.

PEOPLE v BUNYAN, DEREK

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

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

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court