

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

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**KA 12-00535**

PRESENT: SCUDDER, P.J., FAHEY, SCONIERS, VALENTINO, AND MARTOCHE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

MICHAEL C. SINGER, DEFENDANT-APPELLANT.

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J. SCOTT PORTER, SENECA FALLS, FOR DEFENDANT-APPELLANT.

BARRY L. PORSCH, DISTRICT ATTORNEY, WATERLOO, FOR RESPONDENT.

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Appeal from a judgment of the Seneca County Court (Dennis F. Bender, J.), entered March 29, 2010. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment revoking the sentence of probation previously imposed and sentencing him to a determinate term of incarceration, followed by three years of postrelease supervision. Contrary to defendant's contention, we conclude that the record does not establish that County Court " 'was unaware that it had the ability to exercise its discretion in determining whether to impose a lesser period of postrelease supervision' " (*People v McCrimager*, 81 AD3d 1324, 1324). We reject defendant's further contention that the duration of the period of postrelease supervision is unduly harsh or severe.

Entered: March 22, 2013

Frances E. Cafarell  
Clerk of the Court