

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

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KA 18-02379

PRESENT: SMITH, J.P., CARNI, NEMOYER, CURRAN, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

GERARD D. CRIBB, ALSO KNOWN AS JERRY
HARGRAVE/GERALD CRIBB, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (JANET C. SOMES OF
COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (STEPHEN X. O'BRIEN OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County
(Thomas E. Moran, J.), rendered March 16, 2015. The judgment
convicted defendant, upon a plea of guilty, of criminal possession of
a weapon in the second degree.

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

Memorandum: Defendant appeals from a judgment convicting him,
upon his plea of guilty, of criminal possession of a weapon in the
second degree (Penal Law § 265.03 [3]). We affirm. Even assuming,
arguendo, that defendant's waiver of the right to appeal does not
encompass his challenge to the severity of the period of postrelease
supervision imposed by Supreme Court, we nevertheless conclude that
such aspect of his sentence is not unduly harsh or severe.

Entered: March 13, 2020

Mark W. Bennett
Clerk of the Court