

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

574

KA 20-00476

PRESENT: CARNI, J.P., LINDLEY, CURRAN, BANNISTER, AND DEJOSEPH, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JONATHAN ROSSBOROUGH, DEFENDANT-APPELLANT.

HAYDEN DADD, CONFLICT DEFENDER, GENESEO (BRADLEY E. KEEM OF COUNSEL),
FOR DEFENDANT-APPELLANT.

GREGORY J. MCCAFFREY, DISTRICT ATTORNEY, GENESEO (JOSHUA J. TONRA OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Livingston County Court (Jennifer M. Noto, J.), rendered February 20, 2020. The judgment convicted defendant upon his plea of guilty of forgery in the second degree.

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

Memorandum: On appeal from a judgment convicting him upon his guilty plea of forgery in the second degree (Penal Law § 170.10 [1]), defendant contends that County Court erred when it refused his request, made for the first time at sentencing, for a sentence of parole supervision pursuant to CPL 410.91. We reject that contention. Assuming, arguendo, that defendant was eligible for such a sentence, we conclude that defendant received the sentence promised by the court at the plea proceedings and, under the circumstances of this case, the court did not err in concluding that parole supervision pursuant to CPL 410.91 would not be appropriate (*see People v Johnson*, 137 AD3d 1419, 1420 [3d Dept 2016]; *People v Patterson*, 119 AD3d 1157, 1158 [3d Dept 2014], *lv denied* 24 NY3d 1046 [2014]). Contrary to defendant's further contention, the agreed-upon sentence is not unduly harsh or severe.

Entered: June 11, 2021

Mark W. Bennett
Clerk of the Court