

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

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Submitted - May 5, 2008

FRED T. SANTUCCI, J.P.  
JOSEPH COVELLO  
ARIEL E. BELEN  
CHERYL E. CHAMBERS, JJ.

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2005-08651

DECISION & ORDER

The People, etc., respondent,  
v Giovanni Ramos, appellant.

(Ind. No. 96-01362)

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Bahn Herzfeld & Multer, New York, N.Y. (Richard L. Herzfeld of counsel), for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Laurie Sapakoff, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

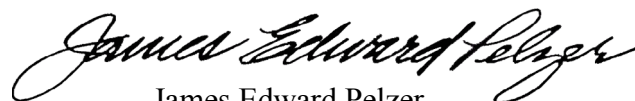
Appeal by the defendant from a resentence of the Supreme Court, Westchester County (DiBella, J.), dated August 2, 2005, pursuant to the Drug Law Reform Act of 2004 (L 2004, ch 738, § 23), imposed after a hearing, the resentence being a determinate prison term of 14 years and a period of post-release supervision of 5 years, upon his conviction of criminal possession of a controlled substance in the first degree (Perone, J.), upon his plea of guilty.

ORDERED that the resentence is affirmed.

Considering the nature of the defendant's crime and his level of participation in that crime, the resentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80, 84-88).

SANTUCCI, J.P., COVELLO, BELEN and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 3, 2008

PEOPLE v RAMOS, GIOVANNI