

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

D20936  
W/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - October 14, 2008

PETER B. SKELOS, J.P.  
DAVID S. RITTER  
EDWARD D. CARNI  
THOMAS A. DICKERSON, JJ.

---

2003-03266

DECISION & ORDER

The People, etc., respondent,  
v Chi Fong Chen, appellant.

(Ind. No. 98-00786)

---

Eric Press, White Plains, N.Y., 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 County Court, Westchester County (Zambelli, J.), imposed January 21, 2003, without a hearing, upon his conviction of attempted murder in the second degree, upon a jury verdict.

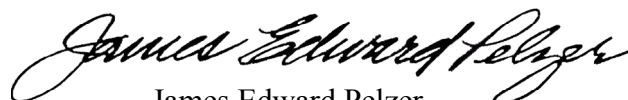
ORDERED that the resentence is affirmed.

The defendant's contention that he was not afforded an opportunity to make a statement at the time of his resentencing in violation of CPL 380.50(1) is unpreserved for appellate review (*see People v Green*, 54 NY2d 878, 880), and we decline to reach that issue in the exercise of our interest of justice jurisdiction (*see People v Pertillar*, 37 AD3d 740; *People v Ramirez*, 236 AD2d 564).

The resentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

SKELOS, J.P., RITTER, CARNI and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

November 5, 2008

PEOPLE v CHI FONG CHEN