

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

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KA 06-00121

PRESENT: SCUDDER, P.J., HURLBUTT, PERADOTTO, GREEN, AND GORSKI, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

ANGEL MARTINEZ, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (DAVID M. ABBATOY, JR., OF COUNSEL), FOR DEFENDANT-APPELLANT.

MICHAEL C. GREEN, DISTRICT ATTORNEY, ROCHESTER (PATRICK H. FIERRO OF COUNSEL), FOR RESPONDENT.

Appeal from a new sentence of the Supreme Court, Monroe County (Harold L. Galloway, J.), rendered May 26, 2005 imposed on defendant's conviction of criminal sale of a controlled substance in the first degree. Defendant was resentenced pursuant to the 2004 Drug Law Reform Act upon his 1997 conviction.

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

Entered: March 20, 2009

JoAnn M. Wahl
Clerk of the Court