

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: February 2, 2012

101783B

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

CHRISTOPHER R. BAKER,
Appellant.

Calendar Date: December 12, 2011

Before: Mercure, Acting P.J., Lahtinen, Spain, Kavanagh and
McCarthy, JJ.

Lisa A. Burgess, Indian Lake, for appellant.

Derek P. Champagne, District Attorney, Malone (Glenn
MacNeill of counsel), for respondent.

Appeal from a judgment of the County Court of Franklin
County (Main Jr., J.), rendered April 14, 2008, which revoked
defendant's probation and imposed a sentence of imprisonment.

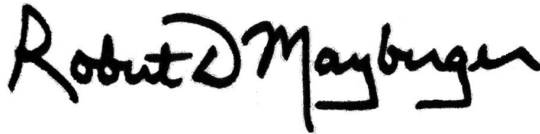
The facts of this case are set forth in our previous
decision wherein we denied an Anders brief, withheld decision and
assigned new counsel to address the severity of the sentence as
well as any other nonfrivolous issues disclosed by the record (82
AD3d 1352 [2011]). We now address defendant's argument that the
resentence of 1 to 3 years in prison imposed on his conviction of
the crime of attempted sexual abuse in the first degree is harsh
and excessive. Upon our review of the record, we find that it is
not. Defendant was originally sentenced to probation, but twice
violated its terms and continued to have contact with children
under the age of 17 even though such contact was prohibited. In

view of this, as well as the disturbing nature of the conduct underlying the crime for which he was convicted, we find no extraordinary circumstances nor any abuse of discretion warranting a reduction of the resentence in the interest of justice (see People v Goodband, 291 AD2d 584, 584-585 [2002]; People v Rousseau, 245 AD2d 915, 916 [1997]).

Mercure, Acting P.J., Lahtinen, Spain, Kavanagh and McCarthy, JJ., concur.

ORDERED that the judgment is affirmed.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court