

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

Decided and Entered: August 3, 2017

107907

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JOSEPH M. FARROW,

Appellant.

Calendar Date: June 12, 2017

Before: Garry, J.P., Egan Jr., Mulvey, Aarons and Rumsey, JJ.

John R. Trice, Elmira, for appellant.

Kirk O. Martin, District Attorney, Owego (Cheryl Mancini of counsel), for respondent.

Appeal from a judgment of the County Court of Tioga County (Keene, J.), rendered August 17, 2015, convicting defendant upon his plea of guilty of the crimes of attempted criminal sale of a controlled substance in the third degree (two counts).

Defendant pleaded guilty to two counts of a reduced charge of attempted criminal sale of a controlled substance in the third degree in satisfaction of two accusatory instruments. Defendant was sentenced as a second felony offender to consecutive prison terms of five years followed by two years of postrelease supervision. Defendant appeals.

Defendant's sole contention on appeal is that the sentence imposed is harsh and excessive. We disagree. Defendant has an extensive criminal history, committed one of the instant felonies while released on bail and received a favorable plea resolution.

As such, we find no extraordinary circumstances or abuse of discretion warranting a reduction of the agreed-upon sentence in the interest of justice (see People v Godfrey, 148 AD3d 1364, 1364 [2017]; People v Shaw, 51 AD3d 1062, 1063 [2008], lv denied 10 NY3d 964 [2008]).

Garry, J.P., Egan Jr., Mulvey, Aarons and Rumsey, 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