

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

Decided and Entered: August 10, 2017

107197

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

EDWARD R. MITCHELL,

Appellant.

Calendar Date: June 5, 2017

Before: Egan Jr., J.P., Lynch, Devine, Clark and Aarons, JJ.

G. Scott Walling, Schenectady, for appellant.

Weeden A. Wetmore, District Attorney, Elmira (Jordan J. Yorke of counsel), for respondent.

Devine, J.

Appeal from a judgment of the County Court of Chemung County (Hayden, J.), rendered August 25, 2014, convicting defendant upon his plea of guilty of the crime of burglary in the first degree.

Defendant pleaded guilty to burglary in the first degree in full satisfaction of a three-count indictment and an uncharged burglary. County Court thereafter sentenced him, as a second felony offender, to the agreed-upon prison term of 10 years and five years of postrelease supervision. Defendant now appeals.

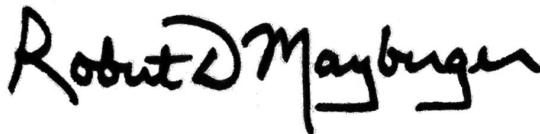
We affirm. Defendant's sole contention on appeal is that his sentence is harsh and excessive. We find, however, no abuse of discretion or extraordinary circumstances warranting a

modification of the sentence, particularly in light of the seriousness of the crime, defendant's criminal history and the fact that the imposed sentence is well below the maximum sentence that defendant could have received (see Penal Law § 70.06 [6] [a]; People v Williams, 140 AD3d 1535, 1536 [2016]; People v Mosley, 87 AD3d 1179, 1179 [2011]).

Egan Jr., J.P., Lynch, Clark and Aarons, 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