

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

Decided and Entered: August 3, 2017

107893

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

RASHAWN N. WILLIAMS,

Appellant.

Calendar Date: June 12, 2017

Before: Lynch, J.P., Rose, Devine, Rumsey and Pritzker, JJ.

John R. Trice, Elmira, for appellant.

Stephen K. Cornwell Jr., District Attorney, Binghamton
(Stephen D. Ferri of counsel), for respondent.

Appeal from a judgment of the County Court of Broome County (Smith, J.), rendered September 3, 2015, convicting defendant upon his plea of guilty of the crime of robbery in the second degree.

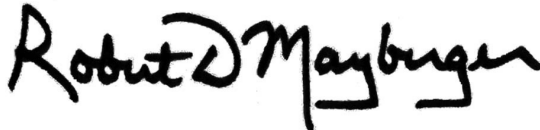
Defendant pleaded guilty to robbery in the second degree and was sentenced, as a second violent felony offender, to a prison term of nine years, followed by five years of postrelease supervision. Defendant's sole contention on appeal is that the sentence imposed was harsh and excessive when considering his difficult childhood and addiction to marihuana. We disagree. The sentence, which was well within the statutory range (see Penal Law §§ 70.02 [1] [b]; 70.04 [2], [3] [b]), was in accord with the plea agreement. Defendant engaged the help of his 17-year-old son, who was armed with a weapon, in the commission of the instant offense and has a lengthy criminal history. As such,

we find no abuse of discretion or extraordinary circumstances to warrant a reduction of the agreed-upon sentence (see People v Kerwin, 117 AD3d 1097, 1098 [2014]; People v Sipe, 7 AD3d 827, 827 [2004]).

Lynch, J.P., Rose, Devine, Rumsey and Pritzker, 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