

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

Decided and Entered: January 24, 2019

108963

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

DUSHON GOLDWIRE,

Appellant.

Calendar Date: January 4, 2019

Before: Lynch, J.P., Clark, Aarons, Rumsey and Pritzker, JJ.

David M. Abbatoy, Rochester, for appellant.

Martin Smith, Special Prosecutor, Binghamton, for respondent.

Appeal from a judgment of the County Court of Broome County (Northrup Jr., J.), rendered September 29, 2016, convicting defendant upon his plea of guilty of the crime of criminal possession of a weapon in the second degree.

In satisfaction of an eight-count indictment, defendant pleaded guilty to criminal possession of a weapon in the second degree. County Court sentenced defendant as a second felony offender to an agreed-upon prison term of eight years followed by five years of postrelease supervision. Defendant appeals, contending that the sentence is harsh and excessive. We disagree. Given defendant's extensive criminal history, the advantageous nature of the plea that satisfied a multicount indictment and the fact that defendant consented to the sentence

as part of extensive plea negotiations, we find no abuse of discretion or extraordinary circumstances warranting a reduction of the sentence in the interest of justice (see People v Gresham, 163 AD3d 1064, 1065 [2018]; People v Lemon, 137 AD3d 1422, 1423 [2016], lv denied 27 NY3d 1135 [2016]).

Lynch, J.P., Clark, Aarons, 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