

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

Decided and Entered: July 24, 2025

CR-24-0228

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JOHN MURDAUGH,

Appellant.

Calendar Date: June 20, 2025

Before: Garry, P.J., Egan Jr., Arons, Powers and Mackey, JJ.

Steven M. Sharp, Albany, for appellant.

Mary Pat Donnelly, District Attorney, Troy (*Antonia M. Lane* of counsel), for respondent.

Appeal from a judgment of the County Court of Rensselaer County (Jennifer Sober, J.), rendered January 16, 2024, convicting defendant upon his plea of guilty of the crime of criminal possession of a weapon in the second degree.

Defendant was indicted and charged with criminal possession of a weapon in the second degree, a class C violent felony (see Penal Law §§ 70.02 [1] [b]; 265.03 [3]). The charge stemmed from an incident that occurred while defendant was on parole for another violent felony. Defendant ultimately agreed to plead guilty to the charged crime with the understanding that the maximum sentence imposed would be 11 years, to be followed by five years of postrelease supervision. County Court thereafter sentenced defendant, as a second felony offender, to a prison term of nine years, to be followed by five years of postrelease supervision. This appeal ensued.

In light of his prior violent felony conviction, defendant's potential sentencing exposure ranged from a minimum of 7 years to a maximum of 15 years (see Penal Law § 70.04 [3] [b]). The sentence imposed by County Court was at the lower end of the permissible range, and upon due consideration of all of the relevant factors, including defendant's prior criminal history and the fact that the underlying offense was committed while defendant was on parole, we do not find the sentence imposed to be unduly harsh or severe (see CPL 470.15 [6] [b]; see generally *People v Murray*, 209 AD3d 1058, 1059 [3d Dept 2022]).

Garry, P.J., Egan Jr., Aarons, Powers and Mackey, 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, flowing style with a large initial "R" and a stylized "M".

Robert D. Mayberger
Clerk of the Court