

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

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KA 23-01062

PRESENT: SMITH, J.P., CURRAN, OGDEN, GREENWOOD, AND KEANE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ELUCIANO PINET PARRILLA, DEFENDANT-APPELLANT.

KEEM APPEALS, PLLC, SYRACUSE (BRADLEY E. KEEM OF COUNSEL), FOR
DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (BRADLEY W.
OASTLER OF COUNSEL), FOR RESPONDENT.

Appeal from a resentence of the Onondaga County Court (Theodore H. Limpert, J.), rendered May 19, 2023. Defendant was resented upon his conviction of criminal sale of a controlled substance in the third degree, criminal possession of a controlled substance in the third degree (two counts), criminal possession of a controlled substance in the first degree, criminal possession of a weapon in the second degree (two counts), criminal possession of a weapon in the third degree (four counts), criminal possession of a firearm (two counts), and criminal possession of a controlled substance in the seventh degree (two counts).

It is hereby ORDERED that said appeal is unanimously dismissed.

Memorandum: Defendant appeals from a resentence upon his conviction of one count of criminal possession of a controlled substance in the first degree (Penal Law § 220.21 [1]), one count of criminal sale of a controlled substance in the third degree (§ 220.39 [1]), two counts of criminal possession of a controlled substance in the third degree (§ 220.16 [1]), two counts of criminal possession of a weapon in the second degree (§ 265.03 [3]), four counts of criminal possession of a weapon in the third degree (§ 265.02 [1], [8]), two counts of criminal possession of a firearm (§ 265.01-b [1]), and two counts of criminal possession of a controlled substance in the seventh degree (§ 220.03). Although defendant was originally sentenced on each of those counts following his plea of guilty, County Court thereafter resented him, more than 30 days after the original sentence, to amend the periods of postrelease supervision applicable to certain of the counts. Defendant's contentions on appeal regarding the original judgment are thus " 'not properly before us inasmuch as there is no notice of appeal from the original judgment in the record before us, nor is there otherwise any indication in the record that an appeal from that judgment was perfected' " (*People v Dexter*, 71 AD3d

1504, 1504 [4th Dept 2010], *lv denied* 14 NY3d 887 [2010]; see *People v Williams*, 163 AD3d 1420, 1421 [4th Dept 2018]). Inasmuch as defendant does not raise any contentions regarding the resentencing, we dismiss the appeal (see generally *People v Griffin*, 151 AD3d 1824, 1825 [4th Dept 2017], *lv denied* 30 NY3d 949 [2017]).

Entered: May 3, 2024

Ann Dillon Flynn
Clerk of the Court