

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS - CRIMINAL TERM - PART 38

THE PEOPLE OF THE STATE OF NEW YORK,

v.

JEROME ROSENBERG,

Relator.

Ind. No. 2484/62

OPINION  
and ORDER

BARBARO, J.S.C.

Relator, Jerome Rosenberg, moves pursuant to C.P.L. Article 440 to vacate the judgment rendered by the Supreme Court, Kings County (Leshowitz, J.) on February 18, 1961, convicting him of two counts of murder in the first degree, or to vacate the sentence of 20 years to life imprisonment which relator is currently serving for this conviction. Relator argues that the above board of parole, which has denied him parole on ten separate occasions, lacks "jurisdiction" over him because relator was never reinstated by a court after his original sentence of death was commuted to life imprisonment by Governor Rockefeller. For the reasons set forth below, relator's motion is denied.

A brief review of relator's sentencing history is necessary to understand this current motion. In 1961, relator, who has always strenuously denied his guilt, was convicted for the murder of two police officers and was sentenced to death. In

Identifier

**Alternate Identifier**

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