

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12600
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_____AD3d_____

Submitted - September 25, 2006

STEPHEN G. CRANE, J.P.
GABRIEL M. KRAUSMAN
ROBERT A. SPOLZINO
PETER B. SKELOS, JJ.

2005-04761

DECISION & ORDER

The People, etc., respondent,
v Ignacio Rosas, appellant.

(SCI No. 04-00773-01)

Mitchell J. Baker, White Plains, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Shana Promuto, Laurie G. Sapakoff, and Richard Longworth Hecht of counsel), for respondent.

Appeal by the defendant from an amended judgment of the Supreme Court, Westchester County (Angiolillo, J.), rendered April 11, 2005, revoking a sentence of probation previously imposed by the same court upon a finding that he had violated a condition thereof, upon his admission, and imposing sentences of imprisonment upon his previous convictions of criminal contempt in the first degree and attempted arson in the fifth degree.

ORDERED that the amended judgment is affirmed.

Contrary to the defendant's contention, he voluntarily failed to appear for resentencing following the revocation of his probation, despite having been warned of the consequences of his failure to reappear in accordance with the standards enunciated in *People v Parker* (57 NY2d 136). Accordingly, the court properly sentenced him in absentia upon his violation of probation (*see People v James*, 19 AD3d 615; *People v Torra*, 8 AD3d 751; *People v Thompson*, 186 AD2d 294; *People v Salazar*, 151 AD2d 517, 518).

The defendant's valid waiver of the right to appeal precludes review of his claim that the sentences imposed upon his violation of probation were excessive (*see People v Kimbrough*, 25

AD3d 810, 810-811; *People v Ward*, 25 AD3d 727; *People v Walker*, 23 AD3d 588, 589; *People v Gorovoy*, 309 AD2d 764).

CRANE, J.P., KRAUSMAN, SPOLZINO and SKELOS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court