

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

D12885
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_____AD3d_____

Submitted - October 25, 2006

THOMAS A. ADAMS, J.P.
FRED T. SANTUCCI
WILLIAM F. MASTRO
ROBERT A. LIFSON, JJ.

2004-06203

DECISION & ORDER

The People, etc., respondent,
v Angel Omar Reina, appellant.

(Ind. No. 03-00895)

Randall Richards, Bronxville, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Laurie Sapakoff, Lois Cullen Valerio, and Anthony J. Servino of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (DiBella, J.), rendered June 8, 2004, convicting him of rape in the first degree and attempted rape in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's plea of guilty was knowingly, intelligently, and voluntarily entered (*see People v Harris*, 61 NY2d 9). The various grounds for the defendant's claim that the plea was involuntary either are based on matter dehors the record (*see People v Hosgor*, 24 AD3d 569; *People v Bruno*, 269 AD2d 540) or are without merit (*see People v Reels*, 17 AD3d 488; *People v Abney*, 10 AD3d 617).

Appellate review of the defendant's claims concerning his factual allocution at the plea proceeding and the sentence imposed are precluded by his valid waiver of the right to appeal (*see*

December 5, 2006

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PEOPLE v REINA, ANGEL OMAR

People v Lopez, 6 NY3d 248; *People v Callahan*, 80 NY2d 273; *People v Mydosh*, 27 AD3d 580; *People v Curras*, 1 AD3d 445, 446).

ADAMS, J.P., SANTUCCI, MASTRO and LIFSON, 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