

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

D13250
C/hu

_____AD3d_____

Submitted - November 27, 2006

STEPHEN G. CRANE, J.P.
GABRIEL M. KRAUSMAN
GLORIA GOLDSTEIN
ROBERT A. SPOLZINO, JJ.

2006-02915

DECISION & ORDER

The People, etc., respondent,
v Melvin Grimes, appellant.

(Ind. No. 05-00835)

Mark Diamond, New York, N.Y., for appellant

Francis D. Phillips II, District Attorney, Goshen, N.Y. (David R. Huey of counsel),
for respondent.

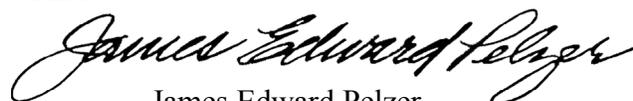
Appeal by the defendant from a judgment of the County Court, Orange County (Rosenwasser, J.), rendered March 14, 2006, convicting him of criminal sale of a controlled substance in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The County Court providently exercised its discretion in denying the defendant's motion to withdraw his plea of guilty to criminal sale of a controlled substance in the third degree (*see* Penal Law § 220.39[1]). The plea was knowingly, voluntarily, and intelligently entered in the presence of the defendant's counsel (*see People v Fiumefreddo*, 82 NY2d 536, 543; *People v Holman*, 33 AD3d 815; *People v Palmer*, 29 AD3d 606; *People v Tissiera*, 22 AD3d 611, 612). Moreover, the defendant was not denied the effective assistance of counsel. The defense counsel obtained a favorable plea which limited the defendant's term of imprisonment and which satisfied two outstanding, unrelated felony charges. There is nothing in the record which casts doubt upon counsel's effectiveness (*see People v Ford*, 86 NY2d 397, 404).

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

ENTER:



James Edward Pelzer
Clerk of the Court

December 26, 2006

PEOPLE v GRIMES, MELVIN