

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

D13677
C/cb

_____AD3d_____

Submitted - December 20, 2006

HOWARD MILLER, J.P.
ROBERT A. SPOLZINO
GABRIEL M. KRAUSMAN
STEVEN W. FISHER
MARK C. DILLON, JJ.

2005-08828

DECISION & ORDER

The People, etc., respondent,
v Joseph Diggs, appellant.

(Ind. No. 05-134)

James D. Licata, New City, N.Y. (Lois Cappelletti of counsel; Corey S. Shook on the brief), for appellant.

Michael E. Bongiorno, District Attorney, New City, N.Y. (Stephanie A. Small of counsel; Cynthia A. Carlson on the brief), for respondent.

Appeal by the defendant from a judgment of the County Court, Rockland County (Resnik, J.), rendered September 6, 2005, convicting him of criminal possession of a forged instrument in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's valid and unrestricted waiver of the right to appeal as part of his plea agreement precludes appellate review of his claim that the sentence imposed was excessive (*see People v Allen*, 82 NY2d 761; *People v Sider*, 232 AD2d 666; *see also People v Ramos*, 7 NY3d 737; *People v Seaberg*, 74 NY2d 1).

MILLER, J.P., SPOLZINO, KRAUSMAN, FISHER and DILLON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

January 30, 2007

PEOPLE v DIGGS, JOSEPH