

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

D13850  
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Submitted - January 11, 2007

REINALDO E. RIVERA, J.P.  
FRED T. SANTUCCI  
PETER B. SKELOS  
WILLIAM E. McCARTHY, JJ.

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2005-04120

DECISION & ORDER

The People, etc., respondent,  
v Joel Ivan Hill, appellant.

(Ind. No. 04-172)

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James D. Licata, New City, N.Y. (Lois Cappelletti of counsel), for appellant.

Michael E. Bongiorno, District Attorney, New City, N.Y. (Carrie A. Ciganek of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Rockland County (Kelly, J.), rendered April 7, 2005, convicting him of criminal possession of a weapon in the third degree (two counts), upon his plea of guilty, and imposing sentence. The appeal brings up for review the denial, after a hearing, of that branch of the defendant's omnibus motion which was to suppress physical evidence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the County Court properly denied, after a hearing, that branch of the defendant's omnibus motion which was to suppress physical evidence (*see People v Leung*, 68 NY2d 734; *People v Boodle*, 47 NY2d 398; *cf. Florida v J.L.*, 529 US 266; *People v Moore*, 6 NY3d 496).

The defendant's contention that the County Court should have allowed him to withdraw his plea is unpreserved for appellate review (*see People v Lopez*, 71 NY2d 662, 665). Although defense counsel initially stated that the defendant wished to withdraw his plea, counsel later

stated that she was “not asking to make a motion” to withdraw the plea and that the defendant was prepared for sentencing. In any event, the defendant’s plea of guilty was intelligently, knowingly, and voluntarily made (*see People v Garcia*, 92 NY2d 869, 870; *People v Fiumefreddo*, 82 NY2d 536, 543; *People v Harris*, 61 NY2d 9, 17).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

RIVERA, J.P., SANTUCCI, SKELOS and McCARTHY, JJ., concur.

ENTER:

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

James Edward Pelzer  
Clerk of the Court