

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

D14240
G/gts

_____AD3d_____

Submitted - February 8, 2007

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
MARK C. DILLON
EDWARD D. CARNI, JJ.

2005-06556
2005-06563

DECISION & ORDER

The People, etc., respondent,
v Lenny Oquendo, appellant.

(Ind. No. 04-819, S.C.I. No. 05-431)

Anthony N. Iannarelli, Jr., New York, N.Y., for appellant.

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

Appeals by the defendant from two judgments of the County Court, Orange County (DeRosa, J.), both rendered June 30, 2005, convicting him of attempted assault in the second degree and attempted criminal possession of a controlled substance in the fifth degree under Indictment No. 04-819, and bail jumping in the second degree under Superior Court Information No. 05-431, upon his pleas of guilty, and imposing sentences.

ORDERED that the judgments are affirmed.

The defendant's claim that his pleas were not knowing, voluntary, or intelligent is unpreserved for appellate review because the defendant did not move to withdraw his pleas before the court of first instance (*see People v Clarke*, 93 NY2d 904, 906; *People v Pellegrino*, 60 NY2d 636, 637). In any event, his pleas of guilty were knowingly, intelligently, and voluntarily entered (*see People v Garcia*, 92 NY2d 869, 871; *People v Harris*, 61 NY2d 9, 17).

The defendant's valid waiver of his right to appeal forecloses review of his claim that the sentences imposed are excessive (*see People v Lopez*, 6 NY3d 248, 255; *People v Patterson*, _____AD3d_____ [2d Dept, Jan. 23, 2007]).

March 13, 2007

Page 1.

PEOPLE v OQUENDO, LENNY

The defendant's remaining contentions are without merit.

MASTRO, J.P., RIVERA, DILLON and CARNI, 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