

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

D15240
C/gts

_____AD3d_____

Submitted - April 12, 2007

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
MARK C. DILLON
EDWARD D. CARNI, JJ.

2005-00368

DECISION & ORDER

The People, etc., respondent,
v Michael O'Connor, appellant.

(Ind. No. 00008/04)

John P. Savoca, White Plains, N.Y., for appellant, and appellant pro se.

Kevin L. Wright, District Attorney, Carmel, N.Y. (Mary Jane MacCrae of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Putnam County (Miller J.), rendered December 14, 2004, convicting him of driving while under the influence of alcohol in violation of Vehicle and Traffic Law § 1192(3), upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant pleaded guilty, withdrew all pre-trial motions that he “made or could have . . . made,” and waived his right to appeal. The defendant’s argument that he was denied a speedy trial, to the extent that it is based on the terms of CPL 30.30, is thus for a number of different procedural reasons not properly reviewable on this appeal (*see People v Holmes*, 303 AD2d 690). To the extent that this argument rests on constitutional principles, and to the extent that the defendant’s argument is thus properly reviewable on appeal irrespective of the procedural bars noted above (*see People v Lopez*, 6 NY3d 248, 255; *People v Blakley* 34 NY2d 311, 314-315), it is without merit (*see generally People v Taranovich*, 37 NY2d 442).

May 22, 2007

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The defendant's remaining contentions are not properly before this court.

RIVERA, J.P., FLORIO, 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.

James Edward Pelzer
Clerk of the Court