

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

D15252
C/gts

_____AD3d_____

Submitted - April 10, 2007

ROBERT A. SPOLZINO, J.P.
STEVEN W. FISHER
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2000-02703
2000-02704

DECISION & ORDER

The People, etc., respondent, v Darien
Turner, a/k/a Eric Brown, appellant.

(Ind. Nos. 11767/98, 3173/99)

Arza Feldman, Uniondale, N.Y. (Steven A. Feldman of counsel), for appellant, and
appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Cynthia Keen,
and Jodi L. Mandel of counsel; Melissa J. Erwin on the brief), for respondent.

Appeal by the defendant from two judgments of the Supreme Court, Kings County
(Ruchelsman, J.), both rendered January 27, 2000, convicting him of burglary in the second degree,
burglary in the third degree, criminal trespass in the second degree, criminal possession of stolen
property in the fifth degree, and petit larceny under Indictment No. 11767/98, upon his plea of guilty,
and burglary in the third degree (two counts), criminal trespass in the second degree, and petit larceny
under Indictment No. 3173/99, upon his plea of guilty, and imposing sentences.

ORDERED that the judgments are affirmed.

The defendant's claim that he received ineffective assistance of counsel because his
former counsel failed to timely effectuate the defendant's stated desire to testify before the grand jury
has been waived. By pleading guilty, a defendant forfeits appellate review of any claim of ineffective
assistance of counsel which does not directly involve the plea bargaining process (*see People v*

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Petgen, 55 NY2d 529, 535 n 3; *People v Silent*, 37 AD3d 625; *People v Cumba*, 32 AD3d 444; *People v Scalercio*, 10 AD3d 697).

The contentions raised in the defendant's supplemental pro se brief are without merit.

SPOLZINO, J.P., FISHER, COVELLO 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