

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

D16363
C/cb

_____AD3d_____

Submitted - September 11, 2007

HOWARD MILLER, J.P.
PETER B. SKELOS
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2006-04476
2006-04478

DECISION & ORDER

The People, etc., respondent,
v Kenneth Eckhoff, appellant.

(Ind. Nos. 2005-05, 2594-05)

Michael S. Bromberg, Sag Harbor, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Rosalind C. Gray of counsel),
for respondent.

Appeals by the defendant from two judgments of the Supreme Court, Suffolk County (Mullen, J.), both rendered February 24, 2006, convicting him of burglary in the third degree under Indictment No. 2005-05, and burglary in the third degree, resisting arrest, and operating a vehicle while under the influence of drugs under Indictment No. 2594-05, upon his pleas of guilty, and imposing sentences.

ORDERED that the judgments are affirmed.

The defendant knowingly, voluntarily, and intelligently waived his right to appeal as part of the plea agreements (*see generally* *People v Lopez*, 6 NY3d 248; *People v Lococo*, 92 NY2d 825; *People v Hidalgo*, 91 NY2d 733; *People v Backus*, 43 AD3d 409). The defendant's valid

October 2, 2007

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waiver encompasses any challenge to the sentences as being excessive (*see People v Lopez*, 6 NY3d 248; *People v Vasquez*, 40 AD3d 1019).

MILLER, J.P., SKELOS, 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