

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

D17250  
O/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - October 31, 2007

REINALDO E. RIVERA, J.P.  
GABRIEL M. KRAUSMAN  
ANITA R. FLORIO  
EDWARD D. CARNI  
RUTH C. BALKIN, JJ.

---

2006-07175

DECISION & ORDER

The People, etc., respondent,  
v Nelson Lorenzana, appellant.

(Ind. No. 207/06)

---

Marianne Karas, Armonk, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Andrea M. DiGregorio of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Ayres, J.), rendered June 28, 2006, convicting him of rape in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant contends that the Supreme Court did not fulfill its promise to impose a term of imprisonment no greater than 15 years when it allegedly failed to consider all the facts and circumstances of this case before imposing a term of imprisonment of 15 years. The record, however, demonstrates that the Supreme Court considered all of the relevant facts and circumstances of this case before imposing sentence (*see People v Suitte*, 90 AD2d 80, 83; *People v Notey*, 72 AD2d 279, 282).

December 11, 2007

PEOPLE v LORENZANA, NELSON

Page 1.

The defendant knowingly, intelligently, and voluntarily waived his right to appeal. Accordingly, the defendant waived appellate review of his claim that the sentence imposed was excessive (*see People v Callahan*, 80 NY2d 273; *People v Seaberg*, 74 NY2d 1).

RIVERA, J.P., KRAUSMAN, FLORIO, CARNI and BALKIN, 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