

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

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_____AD3d_____

Argued - November 26, 2007

HOWARD MILLER, J.P.
STEPHEN G. CRANE
MARK C. DILLON
RUTH C. BALKIN, JJ.

2005-08368

DECISION & ORDER

The People, etc., respondent,
v Tyrone Basnight, appellant.

(Ind. No. 2933/04)

Lynn W. L. Fahey, New York, N.Y., for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano and Sharon Y. Brodt of counsel; Lorrie A. Zinno on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Cooperman, J.), rendered August 10, 2005, convicting him of reckless endangerment in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

By pleading guilty, the defendant forfeited his claim that his admitted conduct did not satisfy the elements of reckless endangerment in the first degree (*see People v Thomas*, 53 NY2d 338, 340; *People v Skya*, 43 AD3d 1190; *People v Peoples*, 34 AD3d 503, 504; *People v Shearer*, 29 AD3d 608, 609).

MILLER, J.P., CRANE, DILLON and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 11, 2007

PEOPLE v BASNIGHT, TYRONE