

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

D18104  
O/prt

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

Submitted - January 14, 2008

REINALDO E. RIVERA, J.P.  
ROBERT A. LIFSON  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN, JJ.

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2006-08872

DECISION & ORDER

The People, etc., respondent,  
v Karl St. Hilaire, appellant.

(Ind. No. 955/06)

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Lynn W. L. Fahey, New York, N.Y. (David P. Greenberg of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Thomas M. Ross of counsel; Rami A. Yomtov on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Holdman, J.), rendered August 17, 2006, convicting him of criminal possession of a weapon in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the Supreme Court should have granted him youthful offender treatment is unpreserved for appellate review, since he failed to move to withdraw his plea on this ground (*see People v Huffman*, \_\_\_\_\_AD3d\_\_\_\_\_, 2008 NY Slip Op 00117 [2d Dept 2008]; *People v Stokes*, 28 AD3d 592; *People v Thompson*, 16 AD3d 603, 604; *People v Greene*, 13 AD3d 647, 647-648). In any event, the denial of youthful offender treatment was a provident exercise of discretion (*see People v Small*, 7 AD3d 819).

RIVERA, J.P., LIFSON, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

February 26, 2008

PEOPLE v ST. HILAIRE, KARL