

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

D18538  
G/kmg

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

Submitted - February 28, 2008

REINALDO E. RIVERA, J.P.  
ROBERT A. LIFSON  
ANITA R. FLORIO  
CHERYL E. CHAMBERS, JJ.

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2006-05833

DECISION & ORDER

The People, etc., respondent,  
v Saul Castillo, appellant.

(Ind. No. 1823/05)

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Joseph A. Hanshe, Sayville, N.Y. (Gerard E. Hanshe and Matthew Moisan of counsel), for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Tammy J. Smiley of counsel; Jason R. Richards on the brief), for respondent.

Appeal by the defendant from a judgment of the County Court, Nassau County (Brown, J.), rendered May 12, 2006, convicting him of attempted murder in the second degree and 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 valid waiver of his right to appeal forecloses appellate review of the defendant's arguments relating to the County Court's suppression determination (*see People v Kemp*, 94 NY2d 831, 833; *People v Williams*, 36 NY2d 829, 830, *cert denied* 423 US 873).

Insofar as the defendant contends that, while in the course of translating into Spanish the statements made by the court during the course of the plea proceedings, the official court interpreter told him that he would be free to withdraw his plea at any time prior to sentence and for any reason, and to the extent that the defendant thus argues that the official court interpreter essentially led him to believe that the court had promised him something that the court, in fact, never

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promised, this argument is “unsupported by the existing record” (*People v Wen Quing Lu*, 240 AD2d 197, 197).

RIVERA, J.P., LIFSON, FLORIO and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial 'J'.

James Edward Pelzer  
Clerk of the Court