

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

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Submitted - May 14, 2008

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
JOSEPH COVELLO  
WILLIAM E. McCARTHY  
CHERYL E. CHAMBERS, JJ.

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2007-05907

DECISION & ORDER

The People, etc., respondent,  
v Nathaniel Hairston, appellant.

(Ind. No. 2510-05)

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Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Karla Lato of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Crecca, J.), rendered June 6, 2007, convicting him of murder in the second 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 review of his claim that the sentence imposed is excessive (*see People v Calvi*, 89 NY2d 868, 871; *People v Callahan*, 80 NY2d 273, 280; *People v Seaberg*, 74 NY2d 1, 11).

SKELOS, J.P., SANTUCCI, COVELLO, McCARTHY and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

July 29, 2008

PEOPLE v HAIRSTON, NATHANIEL