

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

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_____AD3d_____

Submitted - October 8, 2008

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
HOWARD MILLER
THOMAS A. DICKERSON
RANDALL T. ENG, JJ.

2007-02258

DECISION & ORDER

The People, etc., respondent,
v Angel Martinez, appellant.

(Ind. No. 06-00731)

Judith Young, Bloomingburg, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Elizabeth L. Guinup and Andrew R. Kass of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (DeRosa, J.), rendered March 2, 2007, convicting him of coercion in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant contends that his plea of guilty should be vacated because the sentencing court failed to fulfill an implicit promise made at the time of the plea that he would receive shock incarceration. However, a careful reading of the transcript of the plea proceedings fails to support the defendant's contention (*see People v Taylor*, 284 AD2d 573; *People v Christian*, 158 AD2d 705).

SPOLZINO, J.P., SANTUCCI, MILLER, DICKERSON and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 25, 2008

PEOPLE v MARTINEZ, ANGEL