

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

D21368

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_____AD3d_____

Submitted - November 14, 2008

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2007-03495

DECISION & ORDER

The People, etc., respondent,
v Carlos Alvarez, appellant.

(Ind. No. 2186/05)

Mark Diamond, New York, N.Y. , for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Douglas Noll of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Calabrese, J.), rendered January 26, 2007, convicting him of assault in the second degree, upon a jury verdict, and attempted murder in the second degree and assault in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contentions, the record demonstrates that his written and oral waivers of his right to appeal were intelligently, knowingly, and voluntarily made (*see People v Ramos*, 7 NY3d 737, 738; *People v Luster*, 45 AD3d 866, 867; *People v Silent*, 37 AD3d 625, 625). Consequently, the defendant's valid waiver of his right to appeal forecloses appellate review of his challenges to the procedures employed by the sentencing court in its determination regarding restitution (*see People v Callahan*, 80 NY2d 273, 280-281; *People v Chatmon*, 46 AD3d 833, 833-834; *People v Caba*, 238 AD2d 603, 603).

The defendant's remaining contention is without merit.

MASTRO, J.P., FLORIO, ENG and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer

December 9, 2008

PEOPLE v ALVAREZ, CARLOS

Clerk of the Court

December 9, 2008

PEOPLE v ALVAREZ, CARLOS