

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

D21515
C/kmg

_____AD3d_____

Submitted - November 7, 2008

ROBERT A. SPOLZINO, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
CHERYL E. CHAMBERS, JJ.

2005-03875
2005-04203

DECISION & ORDER

The People, etc., respondent,
v Joseph Caulfield, appellant.

(Ind. Nos. 2595/01, 2116/03)

James G. Frankie, Mineola, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Tammy J. Smiley and Jason P. Weinstein of counsel), for respondent.

Appeals by the defendant from (1) a judgment of the County Court, Nassau County (Carter, J.), rendered April 1, 2005, convicting him of murder in the second degree under Indictment No. 2595/01, upon his plea of guilty, and imposing sentence, and (2) a judgment of the same court, also rendered April 1, 2005, convicting him of manslaughter in the first degree under Indictment No. 2116/03, upon his plea of guilty, and imposing sentence.

ORDERED that the judgments are affirmed.

The court did not improvidently exercise its discretion in denying, without an evidentiary hearing, the defendant's motion to withdraw his pleas of guilty. The defendant's conclusory allegations that he was coerced to enter the plea agreements were directly belied by the record of the plea proceedings (*see People v Owens*, 43 AD3d 1185; *People v Morales*, 17 AD3d 487; *People v Rangolan*, 295 AD2d 543; *People v Fernandez*, 291 AD2d 456).

December 16, 2008

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The defendant's remaining contention is without merit.

SPOLZINO, J.P., COVELLO, ANGIOLILLO and CHAMBERS, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court