

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

D21636  
G/kmg

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

Submitted - December 3, 2008

STEVEN W. FISHER, J.P.  
JOSEPH COVELLO  
RUTH C. BALKIN  
ARIEL E. BELEN, JJ.

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2007-08981

DECISION & ORDER

The People, etc., respondent,  
v Derrick Hardy, appellant.

(Ind. No. 07-25)

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James D. Licata, New City, N.Y. (Lois Cappelletti of counsel; Menachen Herssein on the brief), for appellant.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Carrie A. Ciganek of counsel; Coleen A. Fortes on the brief), for respondent.

Appeal by the defendant from a judgment of the County Court, Rockland County (Kelly, J.), rendered September 12, 2007, convicting him of criminal possession of a controlled substance in the fifth degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's valid and unrestricted waiver of his right to appeal, executed as part of his plea agreement, precludes review of his claim that the sentence imposed was excessive (*see People v Lopez*, 6 NY3d 248, 255; *People v Finn*, 56 AD3d 490).

FISHER, J.P., COVELLO, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 23, 2008

PEOPLE v HARDY, DERRICK