

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

D21944
X/kmg

_____AD3d_____

Submitted - January 7, 2009

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
ANITA R. FLORIO
EDWARD D. CARNI
RANDALL T. ENG, JJ.

2007-09863

DECISION & ORDER

The People, etc., respondent,
v Arthur Richardson, appellant.

(Ind. No. 2757/05)

Craig S. Leeds, New York, N.Y., for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Diane R. Eisner of counsel; Pamela Blandino on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Mangano, Jr., J.), rendered October 4, 2007, convicting him of criminal possession of a controlled substance in the fifth degree, upon his plea of guilty, and imposing sentence.

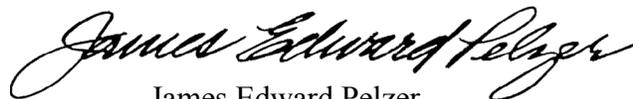
ORDERED that the judgment is affirmed.

The defendant's contention that his plea of guilty was not knowing or voluntary because the court failed to elicit from him a waiver of his right to a ruling on his pending motion to suppress evidence is unpreserved for appellate review (*see* CPL 470.05[2]; *People v LeGrady*, 50 AD3d 1059; *People v Ramsey*, 49 AD3d 565; *People v Herdt*, 45 AD3d 698) and, in any event, is refuted by the record (*see People v Boston*, 30 AD3d 211; *People v Kenrick*, 233 AD2d 528).

The defendant's remaining contentions are without merit.

MASTRO, J.P., FISHER, FLORIO, CARNI and ENG, JJ., concur.

ENTER:


James Edward Pelzer

January 27, 2009

PEOPLE v RICHARDSON, ARTHUR

Clerk of the Court

January 27, 2009

PEOPLE v RICHARDSON, ARTHUR