

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

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_____AD3d_____

Submitted - March 23, 2009

REINALDO E. RIVERA, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2006-09108

DECISION & ORDER

The People, etc., respondent,
v Robert Fecu, appellant.

(Ind. No. 6703/04)

Lynn W. L. Fahey, New York, N.Y., for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Thomas S. Burka of counsel; Xiaobo Chen on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (D'Emic, J.), rendered September 19, 2006, convicting him of robbery in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's challenge to the validity of his plea of guilty is not preserved for appellate review because he did not move to withdraw the plea (*see People v Clarke*, 93 NY2d 904, 906; *People v Lopez*, 71 NY2d 662, 665-666; *People v Pellegrino*, 60 NY2d 636, 637). In any event, his contentions are without merit (*see People v Akhtar*, 13 AD3d 383, 383-384; *cf. Innes v Dalsheim*, 864 F2d 974, *cert denied* 493 US 809).

RIVERA, J.P., BALKIN, LEVENTHAL and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 28, 2009

PEOPLE v FECU, ROBERT