

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

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_____AD3d_____

Submitted - March 18, 2009

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
HOWARD MILLER
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2008-04690

DECISION & ORDER

The People, etc., respondent,
v Thomas Morrissey, appellant.

(Ind. No. 08-00059)

Del Atwell, East Hampton, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Andrew R. Kass of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (De Rosa, J.), rendered May 14, 2008, convicting him of criminal sale of controlled substance in or near school grounds, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's valid waiver of his right to appeal precludes appellate review of his contentions that the sentence imposed was excessive and that he was denied the effective assistance of counsel except to the extent that the alleged ineffective assistance affected the voluntariness of his plea (*see People v Ramos*, 7 NY3d 737, 738; *People v Lopez*, 6 NY3d 248, 255; *People v Seaberg*,

May 19, 2009

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PEOPLE v MORRISEY, THOMAS

74 NY2d 1; *People v Perez*, 51 AD3d 1043). Since the defendant does not claim that the alleged ineffective assistance of counsel affected the voluntariness of his plea, the judgment must be affirmed.

MASTRO, J.P., FISHER, MILLER, DICKERSON and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court