

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

D23406
C/kmg

_____AD3d_____

Submitted - April 29, 2009

PETER B. SKELOS, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
ARIEL E. BELEN
LEONARD B. AUSTIN, JJ.

2007-07506

DECISION & ORDER

The People, etc., respondent,
v Edgar Quinones, appellant.

(Ind. No. 3329/06)

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Ronnie Jane Lamm of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Mullen, J.), rendered July 19, 2007, convicting him of criminal contempt in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The County Court providently exercised its discretion in denying the defendant's motion to withdraw his plea of guilty to criminal contempt in the first degree (*see* CPL 220.60[3]). The defendant's assertions that he did not understand the consequences of his plea because of his medical condition and because his attorney misadvised him with respect to the terms of the promised sentence are belied by the transcript of the plea proceedings, which demonstrates that the defendant expressly stated that he did not need medical attention and that he fully comprehended the terms of the sentence to be imposed (*see People v Brooks*, 36 AD3d 929, 930; *People v Martinez*, 33 AD3d 631, 632; *People v Rodriguez*, 270 AD2d 434).

SKELOS, J.P., FLORIO, BALKIN, BELEN and AUSTIN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

June 2, 2009

PEOPLE v QUINONES, EDGAR