

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

D23470  
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Submitted - April 29, 2009

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

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2008-05516

DECISION & ORDER

The People, etc., respondent,  
v Troy Schnoor, appellant.

(Ind. No. 1560-07)

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Del Atwell, East Hampton, N.Y., 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 Supreme Court, Suffolk County (R. Doyle, J.), rendered May 14, 2008, convicting him of attempted robbery in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's claim that he was denied the effective assistance of counsel by assurances allegedly made to him by counsel regarding his sentence is based principally on matter dehors the record, which cannot be reviewed on direct appeal. To the extent that the defendant's claim can be reviewed, there is nothing in the record to suggest that the defendant did not receive the effective assistance of counsel (*see People v McPherson*, 60 AD3d 872).

Further, since the defendant pleaded guilty with the understanding that he would receive the sentence which thereafter was actually imposed, he has no basis to now complain that his sentence was excessive (*see People v De Alvarez*, 59 AD3d 732; *People v Fanelli*, 8 AD3d 296;

June 2, 2009

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*People v Mejia*, 6 AD3d 630, 631; *People v Kazepis*, 101 AD2d 816).

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

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer  
Clerk of the Court