

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

D23775  
O/prt

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - June 11, 2009

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
ANITA R. FLORIO  
PLUMMER E. LOTT, JJ.

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2007-08174

DECISION & ORDER

The People, etc., respondent,  
v Eugene Eimers, appellant.

(Ind. No. 184/06)

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Stephen N. Preziosi, P.C., Smithtown, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Rosalind C. Gray of counsel),  
for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Suffolk County (R. Doyle, J.), rendered September 5, 2006, 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 valid and comprehensive waiver of his right to appeal forecloses appellate review of his contention regarding the hearing court's suppression determination (*see People v Kemp*, 94 NY2d 831, 833; *People v Perry*, 60 AD3d 974, *lv denied* \_\_\_\_\_ NY3d \_\_\_\_\_; *People v Russell*, 60 AD3d 706).

SPOLZINO, J.P., SANTUCCI, FLORIO and LOTT, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

June 30, 2009

PEOPLE v EIMERS, EUGENE