

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

D24409
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_____AD3d_____

Argued - September 8, 2009

ROBERT A. SPOLZINO, J.P.
HOWARD MILLER
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2008-05445

DECISION & ORDER

The People, etc., respondent,
v Clarence Woodhouse, appellant.

(Ind. No. 07-00934)

Clinton W. Calhoun III, White Plains, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Nicholas William DiCostanzo, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Hubert, J.), rendered May 9, 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 decision whether to grant a defendant permission to withdraw his guilty plea lies in the sound discretion of the County Court (*see People v Rodriguez*, 270 AD2d 434; *People v Leviyev*, 256 AD2d 359). The defendant's contention that he did not understand the consequences of his plea because he suffered from a psychiatric condition and was medicated at the time of his plea is belied by the transcript of the plea proceedings, which demonstrates that the defendant appropriately answered the County Court's questions, allocuted to the crime, and expressly stated that he understood the proceedings (*see People v Brooks*, 36 AD3d 929, 930; *People v Martinez*, 33 AD3d 631, 632; *People v Rodriguez*, 270 AD2d 434; *see also People v Quinones*, 63 AD3d 759).

SPOLZINO, J.P., MILLER, ANGIOLILLO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 22, 2009

PEOPLE v WOODHOUSE, CLARENCE