

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

D25208
G/kmg

_____AD3d_____

Submitted - November 4, 2009

STEVEN W. FISHER, J.P.
FRED T. SANTUCCI
THOMAS A. DICKERSON
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2008-06849

DECISION & ORDER

The People, etc., respondent,
v Michael Carlo, appellant.

(Ind. No. 07-01541)

Steven A. Feldman, Uniondale, N.Y. (Arza Feldman of counsel), for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Hae Jin Liu, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Cacace, J.), rendered June 25, 2008, convicting him of grand larceny in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the court failed to abide by its sentencing promise is unpreserved for appellate review since he did not raise it at the time of sentencing, and did not move to withdraw his plea on that ground (*see People v Velez*, 64 AD3d 799; *People v Scott*, 39 AD3d 570). In any event, that contention, as well as his claim that he was denied the effective assistance of counsel, are without merit.

FISHER, J.P., SANTUCCI, DICKERSON, CHAMBERS and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 8, 2009

PEOPLE v CARLO, MICHAEL

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