

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

D25464  
C/kmg

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Submitted - November 23, 2009

WILLIAM F. MASTRO, J.P.  
RUTH C. BALKIN  
ARIEL E. BELEN  
CHERYL E. CHAMBERS, JJ.

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2007-05400  
2007-05401

DECISION & ORDER

The People, etc., respondent,  
v Demetri Miller, appellant.

(Ind. No. 933/06, S.C.I. No. 2264/06)

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Peter A. Sell, New York, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Tammy J. Smiley of counsel;  
Michael Maffei on the brief), for respondent.

Appeals by the defendant from two judgments of the Supreme Court, Nassau County (Donnino, J.), both rendered March 19, 2007, convicting him of robbery in the third degree (three counts) under Indictment No. 933/06, and robbery in the third degree under Superior Court Information No. 2264/06, upon his pleas of guilty, and imposing sentences.

ORDERED that the judgments are affirmed.

The decision whether to permit a defendant to withdraw his pleas of guilty lies in the sound discretion of the court (*see* CPL 220.60[3]; *People v Woodhouse*, 65 AD3d 1267, 1267; *People v Rodriguez*, 270 AD2d 434, 434-435). Contrary to the defendant's contention, the Supreme Court providently exercised its discretion in denying, without a hearing, the defendant's application to withdraw his pleas of guilty (*see People v Torres*, 215 AD2d 702, 702-703).

MASTRO, J.P., BALKIN, BELEN and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 22, 2009

PEOPLE v MILLER, DEMETRI