

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

D25493  
G/hu

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Submitted - November 24, 2009

MARK C. DILLON, J.P.  
FRED T. SANTUCCI  
ANITA R. FLORIO  
L. PRISCILLA HALL, JJ.

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2008-01602

DECISION & ORDER

The People, etc., respondent,  
v Lawrence Bookard, appellant.

(Ind. No. 3095/06)

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Lynn W. L. Fahey, New York, N.Y. (Barry Stendig of counsel), for appellant, and appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Ellen C. Abbot, and Merri Turk Lasky of counsel; Lorrie A. Zinno on the memorandum and Alice Paszel on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Kron, J.), rendered January 24, 2008, convicting him of robbery in the first degree, grand larceny in the third degree, and grand larceny in the fourth degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Initially, we note that the defendant's purported waiver of his right to appeal was not valid (*see People v Moyett*, 7 NY3d 892, 893; *People v Lopez*, 6 NY3d 248, 257).

Contrary to the defendant's contention, his plea of guilty was knowingly, intelligently, and voluntarily entered (*see People v Garcia*, 92 NY2d 869, 870; *People v Fiumefreddo*, 82 NY2d 536, 543; *People v Grimes*, 35 AD3d 882, 883). The defendant affirmatively stated, in response to the court's questions at his plea allocution, that he understood every inquiry regarding the nature of the proceedings and his relinquishment of the rights in connection therewith. The defendant agreed to the plea bargain and did so voluntarily, with a full appreciation of the consequences, and upon the

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competent advice of counsel.

The defendant was not denied the effective assistance of counsel (*see People v Caban*, 5 NY3d 143; *People v Benevento*, 91 NY2d 708).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

The defendant's remaining contentions are without merit.

DILLON, J.P., SANTUCCI, FLORIO and HALL, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court