

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

D25579  
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Submitted - December 1, 2009

REINALDO E. RIVERA, J.P.  
HOWARD MILLER  
JOHN M. LEVENTHAL  
CHERYL E. CHAMBERS, JJ.

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2008-10676

DECISION & ORDER

The People, etc., respondent,  
v Deon Burton, appellant.

(Ind. No. 05-00485)

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Neal D. Futerfas, White Plains, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Elizabeth L. Guinup and Andrew R. Kass of counsel), for respondent.

Appeal by the defendant from an amended judgment of the County Court, Orange County (DeRosa, J.), rendered October 9, 2008, revoking a sentence of probation previously imposed by the same court, upon a finding that she had violated a condition thereof, upon her admission, and imposing a sentence of imprisonment upon her previous conviction of welfare fraud in the third degree.

ORDERED that the amended judgment is affirmed.

The defendant's valid and unrestricted waiver of her right to appeal forecloses appellate review of her challenge to the procedure employed by the sentencing court in its determination regarding restitution (*see People v Ordover*, 67 AD3d 824; *see also People v Callahan*, 80 NY2d 273, 280-281; *People v Williams*, 62 AD3d 730, 731). Furthermore, the defendant's valid and unrestricted waiver of her right to appeal precludes review of her claim that the

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sentence imposed upon her violation of probation was excessive (*see People v Stewart*, 66 AD3d 924, 924; *People v Kimbrough*, 25 AD3d 810, 810-811).

RIVERA, J.P., MILLER, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:

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

James Edward Pelzer  
Clerk of the Court