

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

D26445  
O/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - February 24, 2010

MARK C. DILLON, J.P.  
HOWARD MILLER  
RUTH C. BALKIN  
JOHN M. LEVENTHAL  
LEONARD B. AUSTIN, JJ.

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2008-11028

DECISION & ORDER

The People, etc., respondent,  
v Jose Chavez, appellant.

(Ind. No. 3520/07)

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Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Thomas C. Costello of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Efman, J.), rendered September 11, 2008, convicting him of reckless endangerment in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's valid waiver of his right to appeal precludes review of his challenge to the factual adequacy of his plea allocution (*see People v Rufa*, 57 AD3d 697; *People v Nash*, 38 AD3d 684).

DILLON, J.P., MILLER, BALKIN, LEVENTHAL and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

March 9, 2010

PEOPLE v CHAVEZ, JOSE