

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

D27269
W/hu

_____AD3d_____

Submitted - April 21, 2010

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
HOWARD MILLER
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2008-10463

DECISION & ORDER

The People, etc., respondent,
v Deshone Porter, appellant.

(Ind. No. 1200/06)

Arza Feldman, Uniondale, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Jason P. Weinstein and Richard Martell of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Nassau County (Gulotta, J.), rendered October 8, 2008, convicting him of criminal possession of a forged instrument in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's waiver of his right to appeal was knowing, voluntary, and intelligent (*see People v Lopez*, 6 NY3d 248, 256; *People v Seaberg*, 74 NY2d 1, 11), and that waiver forecloses appellate review of his contention that the sentence imposed was excessive (*see People v Baer*, 68 AD3d 1011, *lv denied* 14 NY3d 797; *People v Hairston*, 53 AD3d 669).

RIVERA, J.P., FLORIO, MILLER, CHAMBERS and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 11, 2010

PEOPLE v PORTER, DESHONE