

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

D29218
O/kmb

_____AD3d_____

Argued - November 5, 2010

WILLIAM F. MASTRO, J.P.
JOSEPH COVELLO
DANIEL D. ANGIOLILLO
PLUMMER E. LOTT, JJ.

2009-08700

DECISION & ORDER

The People, etc., respondent,
v Ashley Fitzpatrick, appellant.

(Ind. No. 10525/08)

Lynn W. L. Fahey, New York, N.Y., for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Thomas S. Burka of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (DiMango, J.), rendered September 11, 2009, convicting her of attempted robbery in the second degree, upon her plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's knowing, intelligent, and voluntary waiver of her right to appeal (*see People v Ramos*, 7 NY3d 737, 738; *People v Lopez*, 6 NY3d 248, 257) encompassed her contention that she should have been granted youthful offender treatment (*see People v Billings*, 60 AD3d 961; 962; *People v Quashie*, 42 AD3d 578; *People v Hines*, 41 AD3d 734).

MASTRO, J.P., COVELLO, ANGIOLILLO and LOTT, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

November 30, 2010

PEOPLE v FITZPATRICK, ASHLEY