

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

D30237
C/kmb

_____AD3d_____

Submitted - February 4, 2011

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
RANDALL T. ENG
SANDRA L. SGROI, JJ.

2008-06227

DECISION & ORDER

The People, etc., respondent,
v Frederick Roundtree, appellant.

(Ind. No. 07-00665)

Judith Young, Wurtsboro, N.Y., for appellant, and appellant pro se.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Lauren E. Grasso and Andrew R. Kass of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (DeRosa, J.), rendered April 7, 2008, convicting him of criminal possession of a controlled substance in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court providently exercised its discretion in denying his motion to withdraw his plea of guilty (*see People v Seeber*, 4 NY3d 780, 780-81; *People v DeLeon*, 40 AD3d 1008, 1008-1009). The defendant entered his plea of guilty knowingly, voluntarily, and intelligently, having reached a favorable plea agreement with the assistance of counsel (*see People v Anthoulis*, 78 AD3d 854; *People v Ford*, 44 AD3d 1070). In addition, there was no evidence to support the defendant's belated claim that he pleaded guilty under duress as a result of prosecutorial conduct (*see People v Seeber*, 4 NY3d at 780-81).

The defendant's right to subpoena witnesses to appear at a trial was waived as a matter of necessity upon the taking of his plea of guilty (*see People v Gerber*, 182 AD2d 252, 259-60) and his claim regarding prosecutorial conduct was forfeited as a consequence of his plea (*id.* at 260).

March 1, 2011

Page 1.

PEOPLE v ROUNDTREE, FREDERICK

Review of the defendant's remaining claims raised in his pro se supplemental brief either is precluded by his valid waiver of his right to appeal (*see People v Kemp*, 94 NY2d 831, 833), or was forfeited by his plea of guilty (*see People v Taylor*, 65 NY2d 1, 5).

MASTRO, J.P., SKELOS, ENG and SGROI, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court