

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

D30448
W/hu

_____AD3d_____

Submitted - February 17, 2011

JOSEPH COVELLO, J.P.
ARIEL E. BELEN
L. PRISCILLA HALL
JEFFREY A. COHEN, JJ.

2010-00819

DECISION & ORDER

The People, etc., respondent,
v Oscar H. Romero, appellant.

(Ind. No. 1829-09)

Maureen Galvin Dwyer, Northport, N.Y. , for appellant.

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

Appeal by the defendant from a judgment of the County Court, Suffolk County (Kahn, J.), rendered December 22, 2009, convicting him of attempted criminal sexual act in the first degree, sexual abuse in the first degree, and endangering the welfare of a child, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The record demonstrates that the defendant's plea of guilty was entered knowingly, intelligently, and voluntarily (*see People v Fiumefreddo*, 82 NY2d 536, 543; *People v Harris*, 61 NY2d 9, 17). Contrary to the defendant's contention, his plea was not rendered invalid by the County Court's failure to advise him of the possible immigration consequences of his plea (*see CPL 220.50*[7]; *People v Ford*, 86 NY2d 397, 403; *People v Sanchez-Martinez*, 35 AD3d 632, 633; *cf. Padilla v Kentucky*, _____US_____, 130 S Ct 1473).

The defendant's contention that he was deprived of the effective assistance of counsel

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rests mainly on matter dehors the record, which cannot be reviewed on direct appeal (*see People v Griffith*, 78 AD3d 1194, 1196; *People v Wiedmer*, 71 AD3d 1067; *People v Alexander*, 62 AD3d 719, 720). To the extent this contention is reviewable on the record before us, we find that counsel provided the defendant with meaningful representation (*see People v Brooks*, 36 AD3d 929, 930; *People v Grimes*, 35 AD3d 882, 883).

COVELLO, J.P., BELEN, HALL and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court