

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

D31476
W/prt

_____AD3d_____

Submitted - May 11, 2011

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
JOHN M. LEVENTHAL
ARIEL E. BELEN
JEFFREY A. COHEN, JJ.

2010-05682

DECISION & ORDER

The People, etc., respondent,
v Kenneth G. Jones, appellant.

(Ind. No. 37/10)

Michael G. Paul, New City, N.Y., for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Joan H. McCarthy of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Dutchess County (Dolan, J.), rendered May 13, 2010, convicting him of criminal possession of stolen property in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that his plea of guilty was not knowingly, voluntarily, and intelligently made is unpreserved for appellate review since he did not move to withdraw his plea on that ground prior to sentencing (*see* CPL 470.05[2]; *People v Trent*, 74 AD3d 1370; *People v Simpson*, 52 AD3d 846; *People v Ramsey*, 49 AD3d 565; *People v Rusielewicz*, 45 AD3d 704). In any event, his plea was knowingly, voluntarily, and intelligently made (*see People v Fiumefreddo*, 82 NY2d 536, 543; *People v Martinez*, 33 AD3d 631, 632; *cf. People v Knox*, 56 AD3d 799, 800).

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

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is without merit (*see People v Ford*, 86 NY2d 397, 404).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80, 83-86).

MASTRO, J.P., FLORIO, LEVENTHAL, BELEN and COHEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court