

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

D31485  
Y/hu

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Submitted - May 12, 2011

REINALDO E. RIVERA, J.P.  
RUTH C. BALKIN  
PLUMMER E. LOTT  
LEONARD B. AUSTIN, JJ.

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2010-04754

DECISION & ORDER

The People, etc., respondent,  
v Curtis Crummell, appellant.

(Ind. No. 257/09)

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Kathleen M. Rice, District Attorney, Mineola, N.Y. (Robert A. Schwartz and Jacqueline Rosenblum of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Nassau County (Peck, J.), rendered May 6, 2010, convicting him of criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree, and criminal possession of a weapon in the fourth degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Although the defendant's challenge to the count in the indictment charging criminal possession of a weapon in the second degree as jurisdictionally defective survives the valid entry of his plea of guilty and waiver of the right to appeal (*see People v Iannone*, 45 NY2d 589, 600; *People v Brown*, 75 AD3d 655, 656; *People v Libby*, 246 AD2d 669, 670), that count was not jurisdictionally defective (*see People v Hansen*, 95 NY2d 227, 231; *People v Ray*, 71 NY2d 849, 850).

The defendant's remaining contentions are forfeited by his plea of guilty (*see People v Brown*, 75 AD3d at 656; *People v Greeman*, 49 AD3d 463, 464; *People v Skya*, 43 AD3d 1190).

RIVERA, J.P., BALKIN, LOTT and AUSTIN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

May 31, 2011

PEOPLE v CRUMMELL, CURTIS