

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

D31848
W/nl

_____AD3d_____

Submitted - June 8, 2011

MARK C. DILLON, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
PLUMMER E. LOTT
SHERI S. ROMAN, JJ.

2010-01383

DECISION & ORDER

The People, etc., respondent,
v Charles Cooper, appellant.

(Ind. No. 2277-09)

Steven A. Feldman, Uniondale, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Anne E. Oh of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Hudson, J.), rendered January 13, 2010, convicting him of attempted assault in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

To the extent that the defendant's claim of ineffective assistance of counsel involves matter dehors the record, it may not be reviewed on direct appeal (*see People v Sweeney*, _____AD3d_____, 2011 NY Slip Op 04284 [2d Dept 2011]; *People v Smalls*, _____AD3d_____, 2011 NY Slip Op 04283 [2d Dept 2011]; *People v Wahhab*, _____AD3d_____, 2011 NY Slip Op 04079 [2d Dept 2011]). To the extent that the claim may be reviewed, defense counsel provided meaningful representation (*see People v Caban*, 5 NY3d 143, 152; *People v Rivera*, 71 NY2d 705, 708-709; *People v Baldi*, 54 NY2d 137, 146-147). The defendant's contention that his plea of guilty was involuntary as a result of the alleged ineffectiveness of his counsel is belied by his acknowledgments at the plea and sentencing proceedings that he was satisfied by his attorney's representation, that he was waiving any defense he may have, and that his attorney had explained such

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defenses to him (*see People v Haffiz*, 77 AD3d 767, 768; *People v Cobb*, 19 AD3d 506; *People v Weekes*, 289 AD2d 599).

DILLON, J.P., COVELLO, BALKIN, LOTT and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court