

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

D31850
W/nl

_____AD3d_____

Submitted - June 8, 2011

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
L. PRISCILLA HALL
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2008-10665

DECISION & ORDER

The People, etc., respondent,
v Jose Vasquez, appellant.

(Ind. No. 08-00191)

Mark Diamond, New York, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Robert H. Middlemiss of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (De Rosa, J.), rendered November 7, 2008, convicting him of rape in the first 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 entered because he was not advised that he would have to register as a sex offender is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Hussain*, 309 AD2d 818) and, in any event, without merit (*see People v Gravino*, 14 NY3d 546, 550). In addition, the defendant's contention that his plea of guilty was not knowingly, voluntarily, and intelligently entered because he was not properly advised by the County Court about the deportation consequences of the plea is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Mesquite*, 234 AD2d 395) and, in any event, without merit (*see People v Ford*, 86 NY2d 397, 403-404; CPL 220.50[7]). Finally, the defendant's contention that his plea of guilty was not knowingly, voluntarily, and intelligently entered because he was not advised about the issuance of an order of protection is unpreserved for appellate

June 21, 2011

PEOPLE v VASQUEZ, JOSE

Page 1.

review (*see* CPL 470.05[2]; *People v Dixon*, 16 AD3d 517) and, in any event, without merit (*see* *People v Margillo*, 69 AD3d 655, 655-656).

SKELOS, J.P., DICKERSON, HALL, AUSTIN and MILLER, 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