

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

D32409
N/prt

_____AD3d_____

Submitted - September 15, 2011

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
LEONARD B. AUSTIN
SHERI S. ROMAN, JJ.

2010-07019

DECISION & ORDER

The People, etc., respondent,
v Michael Gates, appellant.

(Ind. No. 2388/09)

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

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Judith R. Sternberg and Laurie K. Gibbons of counsel), for respondent.

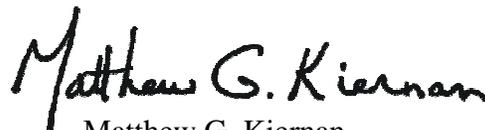
Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Donnino, J.), rendered July 7, 2010, convicting him of criminal possession of a controlled substance in the third degree and conspiracy in the fourth degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The Supreme Court did not improvidently exercise its discretion in denying the defendant's motion to withdraw his plea of guilty since the record demonstrated that the defendant's plea was knowing, voluntary, and intelligent (*see People v Douglas*, 83 AD3d 1092; *People v Yarborough*, 83 AD3d 875).

PRUDENTI, P.J., RIVERA, AUSTIN and ROMAN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

October 4, 2011

PEOPLE v GATES, MICHAEL