

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

D32626
H/prt

_____AD3d_____

Submitted - October 5, 2011

PETER B. SKELOS, J.P.
DANIEL D. ANGIOLILLO
PLUMMER E. LOTT
SHERI S. ROMAN, JJ.

2009-11603

DECISION & ORDER

The People, etc., respondent,
v Laurie Young, appellant.

(Ind. No. 3087/08)

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Grazia DiVincenzo of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Hinrichs, J.), rendered September 14, 2009, convicting her of manslaughter in the first degree, upon her plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's challenge to the factual sufficiency of her plea allocation is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Toxey*, 86 NY2d 725, 726). Moreover, the "rare case" exception to the preservation requirement does not apply here because the defendant's allocation did not cast significant doubt on her guilt, negate an essential element of the crime, or call into question the voluntariness of her plea (*People v Lopez*, 71 NY2d 662, 666; *see People v Infante*, 71 AD3d 1047, 1048). In any event, the facts admitted by the defendant during her plea allocation were sufficient to support her plea of guilty (*see People v Seeber*, 4 NY3d 780, 781).

SKELOS, J.P., ANGIOLILLO, LOTT and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan

Matthew G. Kiernan
Clerk of the Court

October 18, 2011

PEOPLE v YOUNG, LAURIE