

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

D32768  
N/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - October 19, 2011

WILLIAM F. MASTRO, J.P.  
RUTH C. BALKIN  
CHERYL E. CHAMBERS  
SANDRA L. SGROI, JJ.

---

2010-01701

DECISION & ORDER

The People, etc., respondent,  
v Jonathan Weaver, appellant.

(Ind. No. 2694/09)

---

Lynn W. L. Fahey, New York, N.Y., for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Solomon Neubort of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Walsh, J., at plea; Firetog, J., at sentencing), rendered February 3, 2010, convicting him of attempted burglary in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, his plea of guilty was knowingly, voluntarily, and intelligently made (*see People v Fiumefreddo*, 82 NY2d 536, 543), and the defendant's assertions to the contrary are belied by his lucid and appropriate responses during the plea proceedings (*see People v Alexander*, 97 NY2d 482, 486; *People v Wager*, 34 AD3d 505, 505-506). Accordingly, the Supreme Court providently exercised its discretion in denying the defendant's motion to withdraw his plea of guilty (*see CPL 220.60[3]*).

MASTRO, J.P., BALKIN, CHAMBERS and SGROI, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

November 1, 2011

PEOPLE v WEAVER, JONATHAN