

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

D33117
Y/mv

_____AD3d_____

Submitted - November 16, 2011

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
RANDALL T. ENG
L. PRISCILLA HALL
JEFFREY A. COHEN, JJ.

2010-09722

DECISION & ORDER

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

(Ind. No. 1249/09)

Joseph R. Faraguna, Sag Harbor, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Ilisa T. Fleischer of counsel;
Flora M. diMonda on the brief), for respondent.

Appeal by the defendant from a judgment of the County Court, Nassau County
(Grella, J.), rendered July 13, 2010, convicting him of robbery in the first degree, upon his plea of
guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's valid waiver of his right to appeal precludes appellate review of his
claim that the sentence was excessive (*see People v Lopez*, 6 NY3d 248, 255-256; *People v*
Hawthorne, 85 AD3d 819; *People v Benitez*, 84 AD3d 826).

RIVERA, J.P., FLORIO, ENG, HALL and COHEN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

November 29, 2011

PEOPLE v SPENCER, JONATHAN