

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

D33172  
H/prt

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

Submitted - November 18, 2011

ANITA R. FLORIO, J.P.  
RUTH C. BALKIN  
ARIEL E. BELEN  
CHERYL E. CHAMBERS, JJ.

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2010-06610

DECISION & ORDER

The People, etc., respondent,  
v Olsen Key, appellant.

(Ind. No. 1755/02)

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Michael A. Fiechter, Bellmore, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Robert A. Schwartz and Sarah S. Rabinowitz of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Nassau County (Donnino, J.), rendered June 30, 2010, convicting him of kidnapping in the second degree, assault in the first degree (two counts), and criminal possession of a weapon in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's claims pertaining to the grand jury presentation were forfeited by his plea of guilty (*see People v Crumpler*, 70 AD3d 1396, 1397; *People v Martin*, 55 AD3d 1236, 1238; *People v Greeman*, 49 AD3d 463, 464; *People v Winchester*, 38 AD3d 1336, 1337; *People v Santiago*, 305 AD2d 1109, 1110; *People v Sachs*, 280 AD2d 966, 967; *People v Butler*, 198 AD2d 427; *People v Quackenbush*, 98 AD2d 875). Furthermore, the County Court did not improvidently exercise its discretion in denying the defendant's motion to withdraw his plea of guilty (*see CPL 220.60*[3]; *People v Meyers*, 204 AD2d 492).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80; *People v Kazepis*, 101 AD2d 816).

December 6, 2011

PEOPLE v KEY, OLSEN

Page 1.

The defendant's remaining contention is without merit.

FLORIO, J.P., BALKIN, BELEN and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court