

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

D33336  
H/prt

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

Submitted - May 31, 2011

PETER B. SKELOS, J.P.  
RUTH C. BALKIN  
LEONARD B. AUSTIN  
SANDRA L. SGROI, JJ.

2009-03131

DECISION & ORDER

The People, etc., respondent,  
v Sneed Wallace, appellant.

(Ind. No. 135/08)

Michael G. Paul, New City, N.Y., for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Kirsten A. Rappleyea of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Dutchess County (Hayes, J.), rendered September 9, 2008, convicting him of criminal possession of a controlled substance in the fifth degree, upon his plea of guilty, and imposing sentence. Justice Sgroi has been substituted for former Justice Joseph Covello (*see* 22 NYCRR 670.1[c]).

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, his plea of guilty was knowing, voluntary, and intelligent (*see People v Ford*, 86 NY2d 397, 403–404; *People v Fiumefreddo*, 82 NY2d 536, 543).

The defendant's contention that he was deprived of his right to effective assistance of counsel rests on matters dehors the record and may not be addressed on this appeal (*see People v Romero*, 82 AD3d 1013; *People v Kuar*, 73 AD3d 1084, 1085).

Inasmuch as the defendant received the sentence for which he bargained, he has no

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basis to now complain that it was excessive (*see People v Cooper*, 88 AD3d 1009, 1009; *People v Kazepis*, 101 AD2d 816).

SKELOS, J.P., BALKIN, AUSTIN and SGROI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court