

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

D33602
G/mv

_____AD3d_____

Submitted - December 19, 2011

PETER B. SKELOS, J.P.
L. PRISCILLA HALL
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2011-01819

DECISION & ORDER

The People, etc., respondent,
v Rakeem Holland, appellant.

(Ind. No. 1312A-10)

Mark Diamond, New York, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Edward A. Bannan of counsel),
for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Suffolk County (Hinrichs, J.), rendered February 10, 2011, convicting him of criminal sale of a controlled substance in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The record demonstrates that the defendant knowingly, intelligently, and voluntarily waived his right to appeal (*see People v Lopez*, 6 NY3d 248, 256-257; *cf. People v Bradshaw*, ___ NY3d ___, ___, 2011 NY Slip Op 08963, *6-7 [2011]). The defendant's valid waiver of appeal precludes review of his contention that the sentencing court should have considered and determined whether to sentence him as a youthful offender (*see People v Billings*, 60 AD3d 961, 962; *People v Valentin*, 15 AD3d 424; *People v Friedlander*, 11 AD3d 556).

The ineffective assistance of counsel alleged by the defendant did not directly involve the negotiation of his plea of guilty or otherwise affect the voluntariness of the plea. Accordingly,

January 10, 2012

Page 1.

PEOPLE v HOLLAND, RAKEEM

by pleading guilty, the defendant forfeited appellate review of his ineffective assistance of counsel claim (*see People v Jones*, 89 AD3d 1037; *People v Sorino*, 82 AD3d 911).

SKELOS, J.P., HALL, AUSTIN and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court