

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

D33678  
C/ct

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

Submitted - January 4, 2012

REINALDO E. RIVERA, J.P.  
RANDALL T. ENG  
CHERYL E. CHAMBERS  
SANDRA L. SGROI  
ROBERT J. MILLER, JJ.

2010-06683

DECISION & ORDER

The People, etc., respondent,  
v Charles Hammonds, appellant.

(Ind. No. 09-00532)

Janet A. Gandolfo, Sleepy Hollow, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Steven A. Bender and Richard Longworth Hecht of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Cacace, J.), rendered June 1, 2010, convicting him of criminal possession of a controlled substance in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that his plea of guilty was not voluntary because it was coerced is unpreserved for appellate review, since he did not move to withdraw his plea on that ground (*see* CPL 470.05[2]; *People v Strong*, 80 AD3d 717; *People v Scivolette*, 80 AD3d 630; *People v Martinez*, 78 AD3d 966). The defendant's additional contention that his plea was not voluntary because he expressed some hesitancy in entering the plea is likewise unpreserved for appellate review (*see People v Antoine*, 59 AD3d 560; *People v Castillo-Cordero*, 54 AD3d 1054; *People v Bevins*, 27 AD3d 572; *People v Martin*, 7 AD3d 640). In any event, the record demonstrates that the defendant's plea of guilty was knowingly, voluntarily, and intelligently made

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(see *People v Fiumefreddo*, 82 NY2d 536, 543; *People v Callahan*, 80 NY2d 273, 283; *People v Moissett*, 76 NY2d 909, 910-911; *People v Harris*, 61 NY2d 9, 16; *People v Nixon*, 21 NY2d 338, cert denied sub nom. *Robinson v New York*, 393 US 1067).

RIVERA, J.P., ENG, CHAMBERS, SGROI and MILLER, 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