

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

D33723
O/kmb

_____AD3d_____

Submitted - January 6, 2012

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2011-01738

DECISION & ORDER

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

(Ind. No. 898/10)

Steven A. Feldman, Uniondale, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Anne E. Oh of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Braslow, J.), rendered January 18, 2011, convicting him of grand larceny in the fourth degree, criminal possession of stolen property in the fourth degree, petit larceny, and criminal possession of stolen property in the fifth degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Where a defendant knowingly, voluntarily, and intelligently waives the right to appeal as part of a plea agreement, the waiver will be upheld (*see People v Ramos*, 7 NY3d 737; *People v Lopez*, 6 NY3d 248; *People v Kemp*, 94 NY2d 831, 833; *cf. People v Bradshaw*, 18 NY3d 257). Here, the defendant's valid and unrestricted waiver of his right to appeal forecloses appellate review of the claim he seeks to raise (*see People v Hershko*, 88 AD3d 1013, 1013; *People v Walters*, 84 AD3d 984, 984; *People v Watt*, 82 AD3d 912, 912).

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

ENTER:



Aprilanne Agostino
Clerk of the Court

January 24, 2012

PEOPLE v CHARLES, RUSSELL