

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

D33753
C/kmb

_____AD3d_____

Submitted - November 10, 2011

WILLIAM F. MASTRO, A.P.J.
CHERYL E. CHAMBERS
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2010-04873

DECISION & ORDER

The People, etc., respondent,
v Andrew Bethune, appellant.

(Ind. No. 09-01157)

Arza Feldman, Uniondale, N.Y. (Steven A. Feldman of counsel), for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Laurie Sapakoff and Lois Cullen Valerio of counsel; Jeffrey Wiener on the brief), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Colangelo, J.), rendered April 12, 2010, convicting him of burglary in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant contends that the County Court improperly delegated its authority to the prosecutor, who conducted most of the plea proceeding, thereby rendering his plea involuntary. The defendant's contention is without merit, as the proceeding was conducted in the County Court's presence and under its supervision, and there is nothing in the record to suggest that the defendant's plea was made involuntarily (*see People v Garbarini*, 64 AD3d 1179, 1179-1180; *People v Smith*, 306 AD2d 210; *People v Montanez*, 287 AD2d 407, 408; *People v Sanchez*, 284 AD2d 137; *People v Anthony*, 188 AD2d 477; *People v Empey*, 141 AD2d 987, 988).

MASTRO, A.P.J., CHAMBERS, AUSTIN and MILLER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

January 31, 2012

PEOPLE v BETHUNE, ANDREW