

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

D33825  
C/kmb

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

Submitted - January 18, 2012

DANIEL D. ANGIOLILLO, J.P.  
ANITA R. FLORIO  
JOHN M. LEVENTHAL  
PLUMMER E. LOTT, JJ.

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2006-07498

DECISION & ORDER

The People, etc., respondent,  
v Juan Santos, appellant.

(Ind. No. 207/06)

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Noel M. Ziegler, New York, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Ilisa T. Fleischer and Joseph Mogelnicki of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Ayres, J.), rendered June 28, 2006, convicting him of rape in the first 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 knowingly, voluntarily, and intelligently made is unpreserved for appellate review since he did not move to withdraw his plea on that ground prior to sentencing (*see* CPL 470.05[2]; *People v Hernandez-Bautista*, 89 AD3d 749, 749; *People v Gantt*, 85 AD3d 815, 816). In any event, his plea was knowingly, voluntarily, and intelligently made (*see People v Fiumefreddo*, 82 NY2d 536, 543).

ANGIOLILLO, J.P., FLORIO, LEVENTHAL and LOTT, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

January 31, 2012

PEOPLE v SANTOS, JUAN