

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

D34005
H/prt

_____AD3d_____

Submitted - February 1, 2012

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

2011-03098

DECISION & ORDER

The People, etc., respondent,
v Alvin E. Crews, appellant.

(Ind. No. 1683/10)

Maureen Galvin Dwyer, Northport, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Thomas C. Costello of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Hinrichs, J.), rendered March 9, 2011, convicting him of robbery in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant knowingly, voluntarily, and intelligently waived his right to appeal at his plea allocation (*see People v Ramos*, 7 NY3d 737; *People v Muniz*, 91 NY2d 570; *People v Seaberg*, 74 NY2d 1). The fact that the defendant was advised of his right to appeal at the end of the sentencing proceeding did not vitiate his valid waiver of that right (*see People v Moissett*, 76 NY2d 909, 912; *People v Charpentier*, 44 AD3d 680; *People v Hubbard*, 26 AD3d 446; *People v Manzullo*, 14 AD3d 717).

The defendant's valid waiver of his right to appeal precludes review of his challenge to the factual sufficiency of his plea allocation (*see People v Hardee*, 84 AD3d 835; *People v Brown*, 78 AD3d 723; *People v Budden*, 77 AD3d 672; *People v Johnson*, 73 AD3d 951), and of his claim

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that his sentence was excessive (*see People v Ramos*, 7 NY3d at 738; *People v Hawthorne*, 85 AD3d 819; *People v Benitez*, 84 AD3d 826, 827; *People v Sorino*, 82 AD3d 911, 912).

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

ENTER:


Aprilanne Agostino
Clerk of the Court