

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

D35481  
Y/kmb

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Submitted - June 6, 2012

PETER B. SKELOS, J.P.  
THOMAS A. DICKERSON  
L. PRISCILLA HALL  
SHERI S. ROMAN  
JEFFREY A. COHEN, JJ.

2011-00949

DECISION & ORDER

The People, etc., respondent,  
v Joseph Johnson, appellant.

(Ind. No. 712/10)

Del Atwell, East Hampton, N.Y., for appellant.

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

Appeal by the defendant from an amended judgment of the Supreme Court, Suffolk County (Condon, J.), rendered January 13, 2011, revoking a sentence of probation previously imposed by the same court, upon a finding that he violated conditions thereof, upon his admission, and imposing a sentence of imprisonment upon his previous conviction of criminal trespass in the second degree.

ORDERED that the amended judgment is affirmed.

The defendant's valid waiver of his right to appeal, made at the time of his admission, precludes appellate review of his contentions that the sentence imposed was excessive and that he was deprived of the effective assistance of counsel, except to the extent that the alleged ineffective assistance affected the voluntariness of his admission (*see People v Lopez*, 6 NY3d 248, 255; *People v Seaberg*, 74 NY2d 1; *People v Watt*, 82 AD3d 912; *People v Hughes*, 62 AD3d 1026; *People v Vasser*, 177 AD2d 729). The defendant is not claiming that the alleged ineffective assistance of counsel rendered his admission to the violation of probation involuntary.

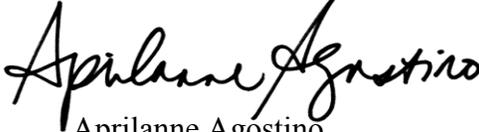
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SKELOS, J.P., DICKERSON, HALL, ROMAN and COHEN, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court