

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

D35817
Y/kmb

_____AD3d_____

Submitted - April 27, 2012

WILLIAM F. MASTRO, A.P.J.
MARK C. DILLON
RANDALL T. ENG
PLUMMER E. LOTT
ROBERT J. MILLER, JJ.

2011-04158

DECISION & ORDER

The People, etc., respondent,
v Jose Luis Gomez Amaya, appellant.

(Ind. No. 1745/09)

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

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

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Suffolk County (R. Doyle, J.), imposed April 6, 2011, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

The defendant's valid waiver of his right to appeal precludes appellate review of his claim that his sentence was excessive (*see People v Bradshaw*, 18 NY3d 257, 264-267; *People v Lopez*, 6 NY3d 248, 255).

MASTRO, A.P.J., DILLON, ENG, LOTT and MILLER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

August 8, 2012

PEOPLE v AMAYA, JOSE LUIS GOMEZ