

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

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_____AD3d_____

Submitted - September 19, 2012

MARK C. DILLON, J.P.
L. PRISCILLA HALL
SHERI S. ROMAN
JEFFREY A. COHEN, JJ.

2009-11647

DECISION & ORDER

The People, etc., respondent,
v Rickey Mack, appellant.

(Ind. No. 08-00778)

Thomas T. Keating, Dobbs Ferry, N.Y. (Joseph M. Angiolillo of counsel), for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Robert H. Middlemiss of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (Freehill, J.), rendered October 27, 2009, convicting him of attempted criminal possession of a controlled substance in the fourth degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

A motion to withdraw a plea of guilty is addressed to the sound discretion of the court (*see* CPL 220.60[3]; *People v Seeber*, 4 NY3d 780). Contrary to the defendant's contention, the County Court providently exercised its discretion in denying his motion to withdraw his plea of guilty (*see People v Sloane*, 13 AD3d 400).

DILLON, J.P., HALL, ROMAN and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 24, 2012

PEOPLE v MACK, RICKEY