

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

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_____AD3d_____

Submitted - October 24, 2012

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2011-04851

DECISION & ORDER

The People, etc., respondent,
v Luis Arias, appellant.

(Ind. No. 10-04328)

Neal D. Futerfas, White Plains, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Hae Jin Liu, Steven A. Bender,
and Richard Longworth Hecht of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Westchester County
(Cacace, J.), rendered October 12, 2010, convicting him of course of sexual conduct against a child
in the first degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's valid waiver of his right to appeal precludes review of his claim that
the agreed-upon sentence, which was in fact imposed, was excessive (*see People v Lopez*, 6 NY3d
248, 255, 257; *People v Callahan*, 80 NY2d 273, 281; *People v Seaberg*, 74 NY2d 1, 10; *People v*
Hawthorne, 85 AD3d 819; *People v Benitez*, 84 AD3d 826, 827).

RIVERA, J.P., FLORIO, DICKERSON, LEVENTHAL and LOTT, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

November 21, 2012

PEOPLE v ARIAS, LUIS