

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

D36603
T/kmb

_____AD3d_____

Submitted - October 24, 2012

DANIEL D. ANGIOLILLO, J.P.
RUTH C. BALKIN
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2011-04788

DECISION & ORDER

The People, etc., respondent,
v Robert Bolton, appellant.

(Ind. No. 11-00050)

Jane M. Bloom, Rock Hill, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Lauren E. Grasso and Andrew R. Kass of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (DeRosa, J.), rendered May 11, 2011, convicting him of criminal possession of a weapon in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

A plea of guilty will be upheld as valid if it was entered into voluntarily, knowingly, and intelligently (*see People v Fiumefreddo*, 82 NY2d 536, 543; *People v Lopez*, 71 NY2d 662, 666; *People v Harris*, 61 NY2d 9, 17). Here, the defendant's plea of guilty was entered into voluntarily, knowingly, and intelligently. Contrary to his contention, the County Court properly apprised the defendant of the duration of postrelease supervision he was agreeing to as part of the plea bargain (*cf. People v Catu*, 4 NY3d 242, 245).

The defendant's remaining contention, that the County Court should have adjudicated him a youthful offender, is unpreserved for appellate review (*see People v Stokes*, 28 AD3d 592),

November 28, 2012

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and, in any event, without merit (*see People v McCoy*, 35 AD3d 237).

ANGIOLILLO, J.P., BALKIN, AUSTIN and MILLER, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court