

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

562

KA 14-02276

PRESENT: WHALEN, P.J., CARNI, NEMOYER, CURRAN, AND TROUTMAN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JOSEAN A. RODRIGUEZ, DEFENDANT-APPELLANT.

DAVID J. FARRUGIA, PUBLIC DEFENDER, LOCKPORT (JOSEPH G. FRAZIER OF COUNSEL), FOR DEFENDANT-APPELLANT.

CAROLINE A. WOJTASZEK, DISTRICT ATTORNEY, LOCKPORT (THOMAS H. BRANDT OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered November 12, 2014. The judgment convicted defendant, upon his plea of guilty, of attempted robbery in the second degree and attempted burglary in the second degree.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of attempted robbery in the second degree (Penal Law §§ 110.00, 160.10 [2] [b]) and attempted burglary in the second degree (§§ 110.00, 140.25 [2]). Contrary to defendant's contention, his waiver of the right to appeal encompasses his challenge to the severity of the sentence. The record establishes that he voluntarily, knowingly and intelligently waived the right to appeal from all aspects of his case, including his sentence, and that he was informed of the maximum sentence County Court could impose (see *People v Lococo*, 92 NY2d 825, 827; cf. *People v Maracle*, 19 NY3d 925, 928).

Entered: April 28, 2017

Frances E. Cafarell
Clerk of the Court