

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

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**KA 08-00223**

PRESENT: SCUDDER, P.J., FAHEY, CARNI, GREEN, AND GORSKI, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JAQUAWN O. JOHNSON, DEFENDANT-APPELLANT.

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TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (DREW R. DUBRIN OF COUNSEL), FOR DEFENDANT-APPELLANT.

MICHAEL C. GREEN, DISTRICT ATTORNEY, ROCHESTER (GEOFFREY KAEUPER OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered November 1, 2007. The judgment convicted defendant, upon his plea of guilty, of robbery in the first 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 robbery in the first degree (Penal Law § 160.15 [4]). County Court properly refused to suppress defendant's statements to the police. The testimony at the suppression hearing supports the court's conclusion that those statements were not the product of a *Payton* violation. Defendant was not arrested at his home but, rather, he voluntarily consented to accompany the police officers to the police station and made the statements in question there (see *People v Locke*, 25 AD3d 877, 878-879, *lv denied* 6 NY3d 835; *People v Shene*, 291 AD2d 823, *lv denied* 98 NY2d 655).

Entered: March 25, 2011

Patricia L. Morgan  
Clerk of the Court