

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

522

KA 11-01651

PRESENT: SCUDDER, P.J., PERADOTTO, SCONIERS, VALENTINO, AND MARTOCHE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JEREL J. MUNN, DEFENDANT-APPELLANT.

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (BARBARA J. DAVIES OF COUNSEL), FOR DEFENDANT-APPELLANT.

FRANK A. SEDITA, III, DISTRICT ATTORNEY, BUFFALO (DAVID PANEPINTO OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County (Penny M. Wolfgang, J.), rendered June 21, 2011. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon 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 criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]). Contrary to defendant's contention, we conclude that Supreme Court fulfilled its duty of advising defendant that the promised sentence included a mandatory period of postrelease supervision (*see generally People v Catu*, 4 NY3d 242, 244-245), and we therefore reject defendant's further contention that his plea was not knowing and voluntary. The record establishes that "the plea represent[ed] a voluntary and intelligent choice among the alternative courses of action open to defendant" (*People v Ford*, 86 NY2d 397, 403; *see People v Cornell*, 16 NY3d 801, 802).

Entered: April 26, 2013

Frances E. Cafarell
Clerk of the Court