

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

1130

KA 14-01321

PRESENT: SMITH, J.P., PERADOTTO, CARNI, WHALEN, AND DEJOSEPH, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JORDAN MCKINNON, DEFENDANT-APPELLANT.

ERICKSON WEBB SCOLTON & HAJDU, LAKEWOOD (LYLE T. HAJDU OF COUNSEL),
FOR DEFENDANT-APPELLANT.

FRANK A. SEDITA, III, DISTRICT ATTORNEY, BUFFALO (MATTHEW B. POWERS OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County
(Christopher J. Burns, J.), rendered May 14, 2014. The judgment
convicted defendant, upon his plea of guilty, of attempted burglary 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 attempted burglary in the first degree
(Penal Law §§ 110.00, 140.30 [1]). Contrary to defendant's
contention, the record establishes that he knowingly, voluntarily and
intelligently waived the right to appeal (*see generally People v
Lopez*, 6 NY3d 248, 256), and that valid waiver forecloses his
challenge to the severity of the sentence (*see id.* at 255; *see
generally People v Lococo*, 92 NY2d 825, 827; *People v Hidalgo*, 91 NY2d
733, 737).

Entered: November 13, 2015

Frances E. Cafarell
Clerk of the Court