

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

D54565  
I/htr

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Submitted - November 6, 2017

SHERI S. ROMAN, J.P.  
JOSEPH J. MALTESE  
HECTOR D. LASALLE  
BETSY BARROS, JJ.

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2016-04694

DECISION & ORDER

The People, etc., respondent,  
v Philip G. Sarnar, appellant.

(Ind. No. 38/16)

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Steven A. Feldman, Uniondale, NY, for appellant.

Madeline Singas, District Attorney, Mineola, NY (Yael V. Levy and Brian Witthuhn of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Christopher G. Quinn, J.), rendered February 4, 2016, convicting him of criminal possession of a controlled substance in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the record demonstrates that his waiver of the right to appeal was knowing, intelligent, and voluntary (*see People v Bryant*, 28 NY3d 1094; *People v Sanders*, 25 NY3d 337; *People v Lopez*, 6 NY3d 248). The defendant's valid waiver of the right to appeal precludes review of his claim that the Supreme Court abused its discretion in denying his request at sentencing to direct his enrollment in a comprehensive alcohol and substance abuse treatment program (*see Penal Law § 60.04[6]*; *People v Nasworthy*, 67 AD3d 1201, 1202).

The defendant's remaining contention does not require reversal.

ROMAN, J.P., MALTESE, LASALLE and BARROS, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

February 14, 2018

PEOPLE v SARNER, PHILIP G.