

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

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_____AD3d_____

Submitted - November 9, 2017

RUTH C. BALKIN, J.P.
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS
ROBERT J. MILLER, JJ.

2016-04503

DECISION & ORDER

The People, etc., respondent,
v Isaias C. Vargas, appellant.

(Ind. No. 2704-15)

Laurette D. Mulry, Riverhead, NY (Alfred J. Cicale of counsel), for appellant.

Timothy Sini, District Attorney, Riverhead, NY (Alfred J. Croce of counsel), for respondent.


Appeal by the defendant from a judgment of the County Court, Suffolk County (John J. Toomey, J.), rendered April 15, 2016, convicting him of driving while intoxicated, as a felony, in violation of Vehicle and Traffic Law § 1192.2, and aggravated driving while intoxicated, as a felony, in violation of Vehicle and Traffic Law § 1192.2(a), upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant knowingly, voluntarily, and intelligently waived his right to appeal. Therefore, he cannot challenge his sentence upon the ground raised in his brief (*see People v Bryant*, 28 NY3d 1094; *People v Sanders*, 25 NY3d 337; *People v Lopez*, 6 NY3d 248; *People v Char*, 153 AD3d 724).

BALKIN, J.P., LEVENTHAL, CHAMBERS and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

February 21, 2018

PEOPLE v VARGAS, ISAIAS C.