

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

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_____AD3d_____

Submitted - February 15, 2018

REINALDO E. RIVERA, J.P.
CHERYL E. CHAMBERS
SHERI S. ROMAN
ANGELA G. IANNACCI, JJ.

2016-11224

DECISION & ORDER

The People, etc., respondent,
v Orlen Solizgalvez, appellant.

(Ind. No. 2323/15)

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

Timothy Sini, District Attorney, Riverhead, NY (Edward A. Bannan of counsel), for respondent.

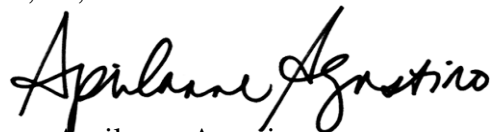
Appeal by the defendant from a judgment of the Supreme Court, Suffolk County (John B. Collins, J.), rendered September 8, 2016, convicting him of murder in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's purported waiver of his right to appeal was invalid (*see People v Little*, 127 AD3d 1235, 1235-1236; *People v Brown*, 122 AD3d 133, 141) and, thus, does not preclude review of his excessive sentence claim. However, contrary to the defendant's contention, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

RIVERA, J.P., CHAMBERS, ROMAN and IANNACCI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

March 14, 2018

PEOPLE v SOLIZGALVEZ, ORLEN