

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

D55180  
O/htr/hu

\_\_\_\_ AD3d \_\_\_\_

ALAN D. SCHEINKMAN, P.J.  
REINALDO E. RIVERA  
LEONARD B. AUSTIN  
JEFFREY A. COHEN  
BETSY BARROS, JJ.

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2016-03411

DECISION & ORDER

The People, etc., respondent,  
v David Diaz, appellant.

(Ind. No. 8930/15)

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Paul Skip Laisure, New York, NY (Denise A. Corsí of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Morgan Dennehy of counsel; Robert Ho on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Joseph E. Gubbay, J.), imposed February 26, 2016, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

The defendant's valid waiver of his right to appeal precludes appellate review of his contention that the sentence imposed was excessive (*see People v Bryant*, 28 NY3d 1094, 1095-1096; *People v Sanders*, 25 NY3d 337, 339-342; *People v Hidalgo*, 91 NY2d 733, 737). To the extent that *People v Cruzado* (156 AD3d 899) is to the contrary, it should no longer be followed.

SCHEINKMAN, P.J., RIVERA, AUSTIN, COHEN and BARROS, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

September 26, 2018

PEOPLE v DIAZ, DAVID