

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

D56312  
G/htr

\_\_\_\_\_AD3d\_\_\_\_\_

ALAN D. SCHEINKMAN, P.J.  
WILLIAM F. MASTRO  
HECTOR D. LASALLE  
SHERI S. ROMAN  
LINDA CHRISTOPHER, JJ.

---

2015-11852

DECISION & ORDER

The People, etc., respondent,  
v Lenwood Crochran, appellant.

(Ind. No. 7683/15)

---

Paul Skip Laisure, New York, NY (Laura B. Tatelman of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Victor Barall 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 (Matthew Sciarrino, Jr., J.), imposed October 28, 2015, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed


A defendant who has validly waived the right to appeal cannot invoke this Court's interest of justice jurisdiction to obtain a reduced sentence (*see People v Lopez*, 6 NY3d 248, 255). Here, however, this Court is not precluded from exercising its interest of justice jurisdiction because the defendant's purported waiver of his right to appeal was invalid. The record does not demonstrate that the defendant understood the nature of the right he was being asked to waive or the distinction between the right to appeal and the other trial rights which are forfeited incident to a plea of guilty (*see People v Brown*, 122 AD3d 133, 137-138, 141). Moreover, although the defendant executed a written waiver of his right to appeal, the Supreme Court did not ascertain on the record whether the defendant had read the waiver or whether he was aware of its contents (*see People v Iovino*, 142 AD3d 561, 561-562; *People v Brown*, 122 AD3d at 145). Under the circumstances, we conclude that the defendant did not knowingly, voluntarily, and intelligently waive his right to appeal (*see*

*People v Johnson*, 157 AD3d 964, 965; *People v Brown*, 122 AD3d 133).

Nevertheless, the sentence imposed was not excessive (see *People v Suite*, 90 AD2d 80).

SCHEINKMAN, P.J., MASTRO, LASALLE, ROMAN and CHRISTOPHER, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court