

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

D56458
O/htr

_____AD3d_____

Submitted - April 27, 2018

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
FRANCESCA E. CONNOLLY
ANGELA G. IANNACCI, JJ.

2014-07614

DECISION & ORDER

The People, etc., respondent,
v Eduardo B. Quinones, appellant.

(Ind. No. 101/14)

Gary E. Einsenberg, New City, NY, for appellant.

David M. Hoovler, District Attorney, Middletown, NY (Elizabeth L. Schulz of counsel), for respondent.

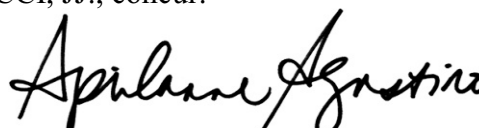
Appeal by the defendant from a judgment of the County Court, Orange County (Jeffrey G. Berry, J.), rendered July 1, 2014, convicting him of burglary in the third degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's purported waiver of his right to appeal was invalid because the County Court's colloquy failed to ensure that the defendant understood the distinction between the right to appeal and the other rights that are automatically forfeited upon a plea of guilty (*see People v Resnick*, 159 AD3d 724, 724; *People v Wells*, 135 AD3d 976, 976). Accordingly, the waiver does not preclude review of the defendant's excessive sentence claim. However, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

MASTRO, J.P., DILLON, CONNOLLY and IANNACCI, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

September 12, 2018

PEOPLE v QUINONES, EDUARDO B.