

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

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AD3d

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

2016-05186

DECISION & ORDER

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

(S.C.I. No. 243/16)

The Legal Aid Society, New York, NY (Susan Epstein of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, NY (John M. Castellano, Johnnette Traill, and Merri Turk Lasky of counsel; Ellie Reilly on the memorandum), for respondent.

Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Queens County (Dorothy Chin-Brandt, J., at plea; John F. Zoll, J., at sentence), imposed April 19, 2016, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal (*see People v Sanders*, 25 NY3d 337, 339-342; *People v Lopez*, 6 NY3d 248, 256-257; *cf. People v Brown*, 122 AD3d 133, 145-146). The defendant's valid waiver of his right to appeal precludes review of his contention that the sentence imposed was excessive (*see People v Lopez*, 6 NY3d at 255-256; *People v Foxworth*, 161 AD3d 1103).

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

ENTER:



Aprilanne Agostino
Clerk of the Court

August 29, 2018

PEOPLE v JIMINEZ, DAVID