

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

D56698  
L/htr

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

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

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2014-07144

DECISION & ORDER

The People, etc., respondent,  
v Bryan Jimenez, appellant.

(S.C.I. No. 771/14)

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Paul Skip Laisure, New York, NY (Lynn W. L. Fahey of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Jill Oziemblewski of counsel; Walker Halstad on the memorandum), for respondent.

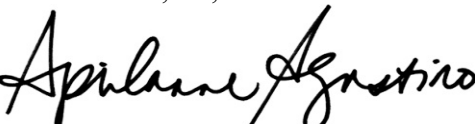
Appeal by the defendant, as limited by his motion, from a sentence of the Supreme Court, Kings County (Matthew Sciarrino, Jr., J.), imposed June 26, 2014, upon his plea of guilty, on the ground that the sentence was excessive.

ORDERED that the sentence is affirmed.

Inasmuch as the record does not demonstrate that the defendant's purported waiver of his right to appeal was made knowingly, voluntarily, and intelligently, the purported waiver of his right to appeal is not enforceable (*see People v Bradshaw*, 18 NY3d 257, 267; *People v Lopez*, 6 NY3d 248, 257; *People v Brown*, 122 AD3d 133, 145). Thus, review of the defendant's excessive sentence claim is not precluded. However, the sentence imposed was not excessive (*see People v Suinte*, 90 AD2d 80).

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

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

September 26, 2018

PEOPLE v JIMENEZ, BRYAN