

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

D57121
M/htr

_____AD3d_____

Submitted - May 24, 2018

REINALDO E. RIVERA, J.P.
JOSEPH J. MALTESE
BETSY BARROS
LINDA CHRISTOPHER, JJ.

2016-08002

DECISION & ORDER

The People, etc., respondent,
v Vidal Aviles, appellant.

(Ind. No. 995-15)

Laurette D. Mulry, Riverhead, NY (Alfred J. Cicale of counsel), for appellant.

Timothy D. Sini, District Attorney, Riverhead, NY (Elizabeth Miller of counsel), for respondent.

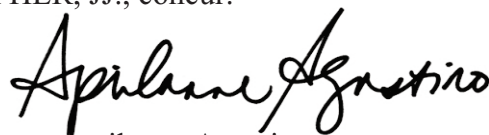
Appeal by the defendant from a judgment of the County Court, Suffolk County (Richard Ambro, J.), rendered May 6, 2016, convicting him of attempted burglary in the second degree, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant knowingly, voluntarily, and intelligently waived his right to appeal (*see People v Bryant*, 28 NY3d 1094, 1096; *People v Sanders*, 25 NY3d 337, 339-342; *People v Lopez*, 6 NY3d 248, 256-257). The defendant's valid appeal waiver precludes appellate review of his contention that the sentence imposed was excessive (*see People v Lopez*, 6 NY3d at 255-256; *People v Dietz*, 152 AD3d 717).

RIVERA, J.P., MALTESE, BARROS and CHRISTOPHER, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 31, 2018

PEOPLE v AVILES, VIDAL