



*SUPREME COURT OF THE STATE OF NEW YORK*  
*APPELLATE DIVISION: FOURTH JUDICIAL DEPARTMENT*

DECISION FILED  
FEBRUARY 21, 2020

HON. GERALD J. WHALEN, PRESIDING JUSTICE

HON. NANCY E. SMITH

HON. JOHN V. CENTRA

HON. ERIN M. PERADOTTO

HON. EDWARD D. CARNI

HON. STEPHEN K. LINDLEY

HON. PATRICK H. NEMOYER

HON. JOHN M. CURRAN

HON. SHIRLEY TROUTMAN

HON. JOANNE M. WINSLOW

HON. TRACEY A. BANNISTER

HON. BRIAN F. DEJOSEPH, ASSOCIATE JUSTICES

MARK W. BENNETT, CLERK

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

1196/2019

PRESENT: CENTRA, J.P., CARNI, LINDLEY, CURRAN AND TROUTMAN, JJ.

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KA 17-01911

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

ANTHONY WORK, DEFENDANT-APPELLANT.

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Now, upon the Court's own motion,

It is hereby ORDERED that the memorandum and order entered February 7, 2020 (- AD3d -, 2020 NY Slip Op 00962 [4th Dept 2020]) is vacated and the following memorandum and order is substituted therefor:

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered February 1, 2017. The judgment convicted defendant upon his plea of guilty of criminal possession of a weapon in the third degree.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of criminal possession of a weapon in the third degree (Penal Law § 265.02 [1]). Contrary to defendant's contention, he knowingly, intelligently, and voluntarily waived the right to appeal (see generally *People v Lopez*, 6 NY3d 248, 256 [2006]), and his valid waiver of the right to appeal encompasses his challenge to the severity of the sentence (see *id.* at 255; see generally *People v Lococo*, 92 NY2d 825, 827 [1998]; *People v Hidalgo*, 91 NY2d 733, 737 [1998]).

Entered: February 21, 2020

Mark W. Bennett  
Clerk of the Court