

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

863

KA 16-00425

PRESENT: CENTRA, J.P., NEMOYER, CURRAN, WINSLOW, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

CLIFFORD L. SALTERS, JR., DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (BENJAMIN L. NELSON OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (DEREK HARNSBERGER OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Monroe County Court (Vincent M. Dinolfo, J.), rendered December 10, 2015. The judgment convicted defendant, upon a plea of guilty, of manslaughter in the first degree.

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

Memorandum: On appeal from a judgment convicting him, upon his plea of guilty, of manslaughter in the first degree (Penal Law § 125.20 [1]), defendant contends that County Court erred in granting the People's motion for a pretrial protective order concerning the identity of certain prosecution witnesses. By pleading guilty, however, defendant forfeited that contention because "the forfeiture occasioned by a guilty plea extends to claims premised upon, inter alia, . . . motions relating to discovery," such as the People's motion for a protective order here (*People v Gerber*, 182 AD2d 252, 260 [2d Dept 1992], *lv denied* 80 NY2d 1026 [1992]; *see People v Perry*, 50 AD3d 1244, 1245 [3d Dept 2008], *lv denied* 10 NY3d 963 [2008]; *People v Oliveri*, 49 AD3d 1208, 1209 [4th Dept 2008]). Our ruling in *People v Wilson* (159 AD3d 1600, 1601 [4th Dept 2018]) is limited to alleged *Brady* violations and, given the absence of a *Brady* claim in this case, has no applicability here. Defendant's related argument that his guilty plea was coerced "because of the restrictions imposed by [the] protective order[] . . . is belied by the record, which reveals that [he] acknowledged under oath that nobody was forcing, threatening, or coercing him to plead guilty, and that he was entering the plea[]" in order to serve his best interests (*People v Weston*, 145 AD3d 746, 747 [2d Dept 2016], *lv denied* 29 NY3d 1088 [2017]).

Entered: October 9, 2020

Mark W. Bennett
Clerk of the Court