

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

1061

KA 18-00437

PRESENT: PERADOTTO, J.P., CARNI, NEMOYER, WINSLOW, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JEAN M. PRENTICE, DEFENDANT-APPELLANT.

D.J. & J.A. CIRANDO, PLLC, SYRACUSE (JOHN A. CIRANDO OF COUNSEL), FOR DEFENDANT-APPELLANT.

Appeal from a judgment of the Allegany County Court (Thomas P. Brown, J.), rendered February 6, 2018. The judgment convicted defendant, upon her plea of guilty, of forgery in the second degree (three counts).

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

Memorandum: Defendant appeals from a judgment convicting her, upon her plea of guilty, of three counts of forgery in the second degree (Penal Law § 170.10 [1]). Defendant's contention that her plea was not knowingly, voluntarily, and intelligently entered is unpreserved for our review because she did not move to withdraw the plea or to vacate the judgment of conviction (*see People v McDonald*, 110 AD3d 1490, 1490 [4th Dept 2013], *lv denied* 23 NY3d 1022 [2014]; *People v Davis*, 99 AD3d 1228, 1229 [4th Dept 2012], *lv denied* 20 NY3d 1010 [2012]). We further conclude that this case does not fall within the "narrow exception" to the preservation requirement (*People v Lopez*, 71 NY2d 662, 666 [1988]).

We reject defendant's contention that the sentence is unduly harsh and severe.

Entered: February 5, 2021

Mark W. Bennett
Clerk of the Court