

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

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KA 22-00046

PRESENT: CURRAN, J.P., MONTOUR, SMITH, DELCONTE, AND HANNAH, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

RAHMIERE DUNHAM COFFEE, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (JANE I. YOON OF COUNSEL),
FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (MARTIN P. MCCARTHY, II,
OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered December 8, 2021. The judgment convicted defendant, upon his plea of guilty, of assault in the first degree.

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

Memorandum: In appeal No. 1, defendant appeals from a judgment convicting him, upon his plea of guilty, of assault in the first degree (Penal Law § 120.10 [1]). In appeal No. 2, he appeals from a judgment convicting him, upon his plea of guilty in the same plea proceeding, of burglary in the second degree (§ 140.25 [2]). Even assuming, arguendo, that defendant's waiver of the right to appeal is invalid (*see People v Rivera*, 225 AD3d 1286, 1286 [4th Dept 2024], *lv denied* 41 NY3d 1004 [2024]; *People v Fernandez*, 218 AD3d 1257, 1257-1258 [4th Dept 2023], *lv denied* 40 NY3d 1012 [2023]) and thus does not preclude our review of his challenge to the sentences imposed (*see People v Baker*, 158 AD3d 1296, 1296 [4th Dept 2018], *lv denied* 31 NY3d 1011 [2018]; *see also People v Johnson*, 215 AD3d 1282, 1282 [4th Dept 2023], *lv denied* 40 NY3d 929 [2023]), we nevertheless conclude in each appeal that the sentence is not unduly harsh or severe.

Entered: March 21, 2025

Ann Dillon Flynn
Clerk of the Court