

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

783

**KA 24-01068**

PRESENT: CURRAN, J.P., BANNISTER, OGDEN, DELCONTE, AND HANNAH, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JAMES SCOTT, JR., DEFENDANT-APPELLANT.

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TODD G. MONAHAN, LITTLE FALLS, FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (AERON SCHWALLIE OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Monroe County Court (Douglas A. Randall, J.), rendered March 15, 2024. The judgment convicted defendant upon his plea of guilty of manslaughter in the first 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 manslaughter in the first degree (Penal Law § 125.20 [1]). We affirm. Defendant's contention that County Court erred in denying his severance motion is forfeited by the plea and does not survive his unchallenged waiver of the right to appeal (see *People v McMillan*, 227 AD3d 1413, 1413 [4th Dept 2024]; *People v Guldi*, 152 AD3d 540, 544 [2d Dept 2017], *lv denied* 30 NY3d 1019 [2017]; *People v Hunter*, 49 AD3d 1243, 1243 [4th Dept 2008]). Defendant's waiver of the right to appeal also encompasses his challenge with respect to the severity of his sentence (see generally *People v Lopez*, 6 NY3d 248, 255-256 [2006]; *People v Hidalgo*, 91 NY2d 733, 737 [1998]).

We have reviewed defendant's remaining contention and conclude that it does not warrant reversal or modification of the judgment.

Entered: November 21, 2025

Ann Dillon Flynn  
Clerk of the Court