

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

807

KA 24-00028

PRESENT: MONTOUR, J.P., SMITH, GREENWOOD, NOWAK, AND KEANE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TRENT GOODRICH, DEFENDANT-APPELLANT.

TYSON BLUE, MACEDON, FOR DEFENDANT-APPELLANT.

BRITTANY GROME ANTONACCI, DISTRICT ATTORNEY, AUBURN (CHRISTOPHER T. VALDINA OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Cayuga County Court (Thomas G. Leone, J.), rendered December 21, 2023. The judgment convicted defendant, upon a plea of guilty, of robbery in the second degree.

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

Memorandum: Defendant appeals from a judgment convicting him, upon a plea of guilty, of robbery in the second degree (Penal Law § 160.10 [1]). We affirm.

Defendant contends that County Court erred in enhancing his sentence without affording him an opportunity to withdraw his plea and without conducting a sufficient inquiry into his alleged violations of the conditions of the plea agreement. Even assuming, arguendo, that defendant's challenges to the imposition of the enhanced sentence are preserved for our review (*see People v Jackson*, 34 AD3d 1318, 1318 [4th Dept 2006], *lv denied* 8 NY3d 923 [2007]; *see generally People v Albergotti*, 17 NY3d 748, 750 [2011]), we conclude that they lack merit. The record establishes that defendant " 'was clearly informed of the consequences of his failure' to abide by the conditions of his plea agreement" (*People v Scott*, 101 AD3d 1773, 1774 [4th Dept 2012], *lv denied* 21 NY3d 1019 [2013]; *see People v Coker*, 133 AD3d 1218, 1218 [4th Dept 2015], *lv denied* 27 NY3d 995 [2016]). Thus, upon defendant's violations of the conditions of the agreement, the court was "no longer bound by the agreement and [was] free to impose a greater sentence without offering . . . defendant an opportunity to withdraw his . . . plea" (*Scott*, 101 AD3d at 1774 [internal quotation marks omitted]; *see People v Faso*, 82 AD3d 1584, 1584 [4th Dept 2011], *lv denied* 17 NY3d 816 [2011], *reconsideration denied* 17 NY3d 952 [2011]; *People v Parsons*, 210 AD2d 901, 901-902 [4th Dept 1994], *lv denied* 85 NY2d 941 [1995]). Furthermore, inasmuch as defendant "neither raised an issue 'concerning the validity of the postplea

charge[s]' nor denied 'any involvement in the underlying crime[s]' " or in the commission of other violations of the conditions of the plea agreement, and defense counsel even conceded that the court was entitled to impose an enhanced sentence due to defendant's violations, we conclude that the court had no duty to conduct a further inquiry (*People v Harris*, 197 AD2d 930, 930 [4th Dept 1993], *lv denied* 82 NY2d 850 [1993], quoting *People v Outley*, 80 NY2d 702, 713 [1993]; see *People v Nowlin*, 145 AD3d 1447, 1448 [4th Dept 2016], *lv denied* 29 NY3d 1035 [2017]; *People v Anderson*, 99 AD3d 1239, 1239-1240 [4th Dept 2012], *lv denied* 20 NY3d 1059 [2013]). In any event, the record establishes that the court conducted a sufficient inquiry inasmuch as "[b]oth defendant and his counsel were given ample opportunity to refute the . . . assertions that defendant had violated the plea terms" (*Albergotti*, 17 NY3d at 750; see *People v Sims*, 41 NY3d 995, 996 [2024]; *People v Scott*, 200 AD3d 1729, 1730 [4th Dept 2021]).

Finally, contrary to defendant's contention, we conclude that the enhanced sentence is not unduly harsh or severe.