

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

992

**KA 23-01767**

PRESENT: BANNISTER, J.P., MONTOUR, SMITH, GREENWOOD, AND HANNAH, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

COREY FAISON, DEFENDANT-APPELLANT.

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JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (SABRINA A. BREMER OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (LISA GRAY OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Monroe County Court (James E. Walsh, Jr., A.J.), rendered January 12, 2023. 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: On appeal from a judgment convicting him upon his plea of guilty of manslaughter in the first degree (Penal Law § 125.20 [1]), defendant initially contends that his waiver of the right to appeal was not knowingly, voluntarily and intelligently entered due to his mental limitations. We reject that contention. Although the record indicates that defendant had learning disabilities, there was no "indication that defendant was uninformed, confused or incompetent when he waived his right to appeal" (*People v DeFazio*, 105 AD3d 1438, 1439 [4th Dept 2013], *lv denied* 21 NY3d 1015 [2013] [internal quotation marks omitted]; see *People v Nudd*, 53 AD3d 1115, 1115 [4th Dept 2008], *lv denied* 11 NY3d 834 [2008]). Furthermore, the record establishes that defendant's waiver of the right to appeal was otherwise knowing, voluntary, and intelligent (see generally *People v Giles*, 219 AD3d 1706, 1706-1707 [4th Dept 2023], *lv denied* 40 NY3d 1039 [2023]). Defendant's valid waiver of the right to appeal forecloses his challenge to the severity of the sentence (see *People v Lopez*, 6 NY3d 248, 255-256 [2006]; see generally *People v Lococo*, 92 NY2d 825, 827 [1998]).

Entered: December 23, 2025

Ann Dillon Flynn  
Clerk of the Court