

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

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KA 23-01489

PRESENT: WHALEN, P.J., CURRAN, MONTOUR, SMITH, AND GREENWOOD, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

RYAN LAWS, DEFENDANT-APPELLANT.

BANASIAK LAW OFFICE, PLLC, SYRACUSE (PIOTR BANASIAK OF COUNSEL), FOR DEFENDANT-APPELLANT.

CHRISTINE K. CALLANAN, DISTRICT ATTORNEY, LYONS (R. MICHAEL TANTILLO OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Wayne County Court (Richard M. Healy, J.), rendered August 2, 2023. The judgment convicted defendant upon a plea of guilty of assault 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 his plea of guilty of assault in the second degree (Penal Law § 120.05 [3]).

Contrary to defendant's contention, the record establishes that he knowingly, voluntarily, and intelligently waived his right to appeal (*see People v Williams*, 228 AD3d 1316, 1316 [4th Dept 2024], *lv denied* 42 NY3d 972 [2024], *reconsideration denied* 42 NY3d 1055 [2024]; *see generally People v Thomas*, 34 NY3d 545, 559-564 [2019], *cert denied* – US –, 140 S Ct 2634 [2020]; *People v Lopez*, 6 NY3d 248, 256 [2006]). County Court's oral colloquy did not mischaracterize the waiver of the right to appeal as "an absolute bar to the taking of a first-tier direct appeal" (*Thomas*, 34 NY3d at 558; *see People v Figueroa*, 230 AD3d 1581, 1582 [4th Dept 2024], *lv denied* 42 NY3d 1079 [2025]). To the extent that defendant contends that the written waiver form he executed was defective, the oral colloquy, which followed the appropriate model colloquy, "cured th[e] [alleged] defect[s]" (*People v Hoose*, 236 AD3d 1294, 1295 [4th Dept 2025], *lv denied* 44 NY3d 993 [2025] [internal quotation marks omitted]; *see People v Tandle*, 238 AD3d 1503, 1504 [4th Dept 2025], *lv denied* 43 NY3d 1059 [2025]; *Williams*, 228 AD3d at 1317).

Defendant's valid waiver of the right to appeal precludes our review of his challenge to the severity of the sentence (see *Lopez*, 6 NY3d at 255-256; *Tandle*, 238 AD3d at 1504).

Entered: February 11, 2026

Ann Dillon Flynn
Clerk of the Court