

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

19

KA 24-00906

PRESENT: LINDLEY, J.P., BANNISTER, OGDEN, NOWAK, AND DELCONTE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TYLOR J. FELIX, DEFENDANT-APPELLANT.

LEANNE LAPP, PUBLIC DEFENDER, CANANDAIGUA (BRADLEY E. KEEM OF COUNSEL), FOR DEFENDANT-APPELLANT.

JAMES B. RITTS, DISTRICT ATTORNEY, CANANDAIGUA (KAYLAN C. PORTER OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Ontario County (Craig J. Doran, J.), rendered May 23, 2024. The judgment convicted defendant, upon his plea of guilty, of grand larceny in the third 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 grand larceny in the third degree (Penal Law § 155.35 [1]). We reject defendant's contention that the waiver of the right to appeal is invalid. We conclude that, "[a]lthough the written waiver included a misleading heading, the oral colloquy, together with the remainder of the written waiver, 'was sufficient to support a knowing and voluntary waiver under the totality of the circumstances' " (*People v Hopkins*, 221 AD3d 1436, 1436 [4th Dept 2023], *lv denied* 41 NY3d 943 [2024]; *see People v Thomas*, 34 NY3d 545, 564 [2019], *cert denied* – US –, 140 S Ct 2634 [2020]). Defendant's challenge to the severity of his sentence is encompassed by his valid waiver of the right to appeal (*see People v Lopez*, 6 NY3d 248, 255-256 [2006]).

Entered: February 11, 2026

Ann Dillon Flynn
Clerk of the Court