

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

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KA 23-00330

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

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

DARRELL HOLLOWAY, ALSO KNOWN AS DARRELL J.
HOLLOWAY, ALSO KNOWN AS SNOOP,
DEFENDANT-APPELLANT.

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (ABIGAIL D. WHIPPLE OF
COUNSEL), FOR DEFENDANT-APPELLANT.

KEVIN T. FINNELL, DISTRICT ATTORNEY, BATAVIA (WILLIAM G. ZICKL OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Genesee County Court (Melissa Lightcap Cianfrini, J.), rendered December 13, 2022. The judgment convicted defendant upon his plea of guilty of attempted criminal possession of a controlled substance 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 attempted criminal possession of a controlled substance in the third degree (Penal Law §§ 110.00, 220.16 [1]). Contrary to defendant's contention, a waiver of the right to appeal is not unconscionable per se (see *People v Wilson*, 244 AD3d 1802, – [4th Dept 2025]; *People v Brinkman*, 240 AD3d 1431, 1431-1432 [4th Dept 2025], lv denied 44 NY3d 1027 [2025]; see also *People v Thomas*, 34 NY3d 545, 557-558 [2019], cert denied – US –, 140 S Ct 2634 [2020]). Further, the record establishes that defendant's waiver of the right to appeal was knowing, voluntary, and intelligent (see *Brinkman*, 240 AD3d at 1432). The valid waiver encompasses defendant's challenge to the severity of his sentence (see *People v Lopez*, 6 NY3d 248, 256 [2006]; *People v Hoose*, 236 AD3d 1294, 1296 [4th Dept 2025], lv denied 44 NY3d 993 [2025]).

Entered: February 11, 2026

Ann Dillon Flynn
Clerk of the Court