

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

959

KA 24-00423

PRESENT: CURRAN, J.P., BANNISTER, NOWAK, DELCONTE, AND HANNAH, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

CHET DEWOLF, DEFENDANT-APPELLANT.

ANDREW D. CORREIA, PUBLIC DEFENDER, SYRACUSE (BRADLEY E. KEEM OF COUNSEL), FOR DEFENDANT-APPELLANT.

CHRISTINE K. CALLANAN, DISTRICT ATTORNEY, LYONS (CATHERINE A. MENIKOTZ OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Wayne County Court (Richard M. Healy, J.), rendered February 22, 2024. The judgment convicted defendant upon his plea of guilty of assault in the first 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 first degree (Penal Law § 120.10 [1]). We affirm.

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]). Moreover, on this record, defendant's "monosyllabic affirmative responses to questioning by [County Court] do not render his [waiver of the right to appeal] unknowing and involuntary" (*People v Burch*, 234 AD3d 1246, 1246-1247 [4th Dept 2025], *lv denied* 43 NY3d 1006 [2025] [internal quotation marks omitted]).

Defendant's valid waiver of the right to appeal precludes our review of his contention that the court erred in refusing to suppress defendant's statements to a law enforcement officer (*see People v Kemp*, 94 NY2d 831, 833 [1999]; *People v Duzant*, 15 AD3d 860, 861 [4th Dept 2005], *lv denied* 5 NY3d 761 [2005]) and his challenge to the

severity of the sentence (see *People v Lopez*, 6 NY3d 248, 255-256 [2006]; *Burch*, 234 AD3d at 1247).

Entered: February 11, 2026

Ann Dillon Flynn
Clerk of the Court