

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

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**KA 25-00540**

PRESENT: BANNISTER, J.P., MONTOUR, SMITH, NOWAK, AND DELCONTE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

LOUIS SERRANO, DEFENDANT-APPELLANT.

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MICHAEL JOS. WITMER, ROCHESTER, FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (MARTIN P. MCCARTHY, II, OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Supreme Court, Monroe County (Charles A. Schiano, Jr., J.), rendered June 25, 2024. The judgment convicted defendant, upon a plea of guilty, of criminal possession of a weapon in the second degree (three counts) and criminal possession of a weapon in the third 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 three counts of criminal possession of a weapon in the second degree (Penal Law § 265.03 [1] [b]; [3]) and one count of criminal possession of a weapon in the third degree (§ 265.02 [8]), defendant contends that Supreme Court should have granted that part of his omnibus motion seeking dismissal of the indictment on speedy trial grounds pursuant to CPL 30.30 (1) (a). At the time that defendant entered his plea, however, the court had not expressly decided his statutory speedy trial claim. We therefore conclude that he abandoned that claim and is "foreclosed from pursuing the merits of [it] on appeal" (*People v Goodison*, 196 AD3d 1049, 1049 [4th Dept 2021], lv denied 37 NY3d 1096 [2021] [internal quotation marks omitted]; see also *People v Alexander*, 82 AD3d 619, 623-624 [1st Dept 2011], affd 19 NY3d 203 [2012]; *People v Hardy*, 173 AD3d 1649, 1649-1650 [4th Dept 2019], lv denied 34 NY3d 932 [2019]; cf. *People v Williams*, 228 AD3d 1314, 1315 [4th Dept 2024]).

Entered: March 20, 2026

Ann Dillon Flynn  
Clerk of the Court