

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

295

KA 23-01468

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

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

CHRISTION METZGER, DEFENDANT-APPELLANT.

TINA L. HARTWELL, PUBLIC DEFENDER, UTICA (DAVID A. COOKE OF COUNSEL),
FOR DEFENDANT-APPELLANT.

TODD C. CARVILLE, DISTRICT ATTORNEY, UTICA (MICHAEL A. LABELLA OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Oneida County Court (Robert Bauer, J.), rendered March 17, 2023. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and attempted 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 a guilty plea, of criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]) and attempted assault in the first degree (§§ 110.00, 120.10 [1]). We affirm. Even assuming, arguendo, that defendant did not validly waive his right to appeal (*see People v John*, 244 AD3d 1782, 1782 [4th Dept 2025]; *People v Reed*, 244 AD3d 1815, 1815 [4th Dept 2025]; *see generally People v Thomas*, 34 NY3d 545, 564-566 [2019], *cert denied* 589 US 1302 [2020]), we conclude that defendant's sentence is not unduly harsh or severe.

Entered: June 5, 2026

Ann Dillon Flynn
Clerk of the Court