

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

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KA 22-00018

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

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ANTHONY BONES, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (AXELLE LECOMTE
MATHEWSON OF COUNSEL), FOR DEFENDANT-APPELLANT.

BRIAN D. SEAMAN, DISTRICT ATTORNEY, LOCKPORT (LAURA T. JORDAN OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Niagara County Court (Matthew J. Murphy, III, J.), rendered August 24, 2021. The judgment convicted defendant upon his plea of guilty of reckless endangerment in the first degree.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals in appeal No. 1 from a judgment convicting him upon a plea of guilty of reckless endangerment in the first degree (Penal Law § 120.25) and, in appeal No. 2, from a judgment convicting him upon a plea of guilty, in the same plea proceeding, of burglary in the third degree (§ 140.20). Even assuming, arguendo, in each appeal that defendant's waiver of the right to appeal is invalid and therefore does not preclude our review of his challenge to the severity of the sentence (*see People v Harrison*, 242 AD3d 1540, 1541 [4th Dept 2025]; *People v Free*, 217 AD3d 1422, 1422 [4th Dept 2023]), we conclude in each appeal that the sentence is not unduly harsh or severe.

Entered: June 5, 2026

Ann Dillon Flynn
Clerk of the Court