

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

635

**KA 22-01353**

PRESENT: LINDLEY, J.P., MONTOUR, GREENWOOD, NOWAK, AND KEANE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

DELON L. MCNEIL, DEFENDANT-APPELLANT.

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JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (CLEA WEISS OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (MERIDETH H. SMITH OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Monroe County Court (Meredith A. Vacca, J.), rendered May 17, 2022. The judgment convicted defendant upon his plea of guilty of manslaughter 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 manslaughter in the first degree (Penal Law § 125.20 [1]). Contrary to defendant's contention, the record establishes that he knowingly, voluntarily, and intelligently waived his right to appeal (*see People v Blount*, 239 AD3d 1426, 1427 [4th Dept 2025], *lv denied* – NY3d – [2025]; *see generally People v Thomas*, 34 NY3d 545, 559-564 [2019], *cert denied* – US –, 140 S Ct 2634 [2020]; *People v Lopez*, 6 NY3d 248, 256 [2006]). County Court followed the Model Colloquy, which "neatly synthesizes [Court of Appeals] precedent and the governing principles" (*Thomas*, 34 NY3d at 567). Defendant's challenges to the court's waiver colloquy lack merit (*see generally id.*).

Although defendant further contends that the sentence imposed is unduly harsh and severe, that contention is foreclosed by the valid waiver of the right to appeal (*see People v Washington*, 170 AD3d 1608, 1609 [4th Dept 2019], *lv denied* 33 NY3d 1036 [2019]; *see generally Lopez*, 6 NY3d at 255-256).

Entered: October 3, 2025

Ann Dillon Flynn  
Clerk of the Court