

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

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KA 19-00782

PRESENT: WHALEN, P.J., PERADOTTO, LINDLEY, BANNISTER, AND OGDEN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

COLLICE PARSON, ALSO KNOWN AS C,
DEFENDANT-APPELLANT.

ERIK TEIFKE, PUBLIC DEFENDER, ROCHESTER (JONATHAN GARVIN OF COUNSEL),
FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (SCOTT MYLES OF COUNSEL),
FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County (Charles A. Schiano, Jr., J.), rendered February 25, 2019. The judgment convicted defendant upon his plea of guilty of criminal possession of a weapon in the second degree and criminal sale of a controlled substance in the third 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 criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]) and criminal sale of a controlled substance in the third degree (§ 220.39 [1]). As defendant contends and the People correctly concede, defendant's waiver of the right to appeal was inadequate under *People v Thomas* (34 NY3d 545 [2019], cert denied – US –, 140 S Ct 2634 [2020]) and, therefore, it "does not preclude our review of [his] challenge to the severity of [his] sentence" (*People v Baker*, 158 AD3d 1296, 1296 [4th Dept 2018], lv denied 31 NY3d 1011 [2018]). We conclude that his sentence is not unduly harsh or severe.

Entered: June 9, 2023

Ann Dillon Flynn
Clerk of the Court