

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

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KA 19-02180

PRESENT: SMITH, J.P., CURRAN, MONTOUR, AND DELCONTE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

DON SPENCER WILLIAMS, DEFENDANT-APPELLANT.

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (LEAH N. FARWELL OF COUNSEL), FOR DEFENDANT-APPELLANT.

JOHN J. FLYNN, DISTRICT ATTORNEY, BUFFALO (MINDY F. VANLEUVAN OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered October 16, 2019. The judgment convicted defendant, upon a guilty plea, of aggravated family offense.

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 aggravated family offense (Penal Law § 240.75 [1]). Even assuming, *arguendo*, 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 his sentence (*see People v Mowery*, 213 AD3d 1300, 1300 [4th Dept 2023]; *People v Shaffer*, 210 AD3d 1452, 1452-1453 [4th Dept 2022]; *People v Davis*, 189 AD3d 2140, 2141 [4th Dept 2020]), we conclude that the sentence is not unduly harsh or severe.

Entered: March 22, 2024

Ann Dillon Flynn
Clerk of the Court