

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

691

KA 15-00569

PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

REYNALDO PABON, DEFENDANT-APPELLANT.
(APPEAL NO. 1.)

MARK D. FUNK, CONFLICT DEFENDER, ROCHESTER (KATHLEEN P. REARDON OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (LISA GRAY OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County (Francis A. Affronti, J.), rendered January 27, 2015. The judgment convicted defendant, upon his plea of guilty, of arson in the second 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 arson in the second degree (Penal Law § 150.15). Contrary to defendant's contention, he validly waived his right to appeal (*see People v Sanders*, 25 NY3d 337, 342 [2015]; *People v Truitt*, 170 AD3d 1591, 1591 [4th Dept 2019] *lv denied* – NY3d – [May 31, 2019]; *People v Washington*, 160 AD3d 1437, 1438 [4th Dept 2018], *lv denied* 31 NY3d 1154 [2018]), and that valid waiver encompasses his challenge to the severity of his sentence (*see People v Lopez*, 6 NY3d 248, 255-256 [2006]).

Entered: June 28, 2019

Mark W. Bennett
Clerk of the Court