

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

157

**KA 21-00537**

PRESENT: LINDLEY, J.P., CURRAN, BANNISTER, GREENWOOD, AND NOWAK, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

LISA DUMAS, DEFENDANT-APPELLANT.

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THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (ROBERT L. KEMP OF COUNSEL), FOR DEFENDANT-APPELLANT.

JOHN J. FLYNN, DISTRICT ATTORNEY, BUFFALO (PAUL J. WILLIAMS, III, OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Erie County Court (Susan M. Eagan, J.), rendered March 17, 2021. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

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

Memorandum: Defendant appeals from a judgment revoking a term of probation imposed after her plea of guilty of attempted robbery in the third degree (Penal Law §§ 110.00, 160.05). County Court sentenced defendant to an indeterminate term of imprisonment that is concurrent to a longer sentence imposed on defendant for an unrelated conviction. Even assuming, arguendo, that defendant's waiver of the right to appeal is invalid, as the People concede, and therefore does not preclude our review of her challenge to the severity of the sentence (*see People v Littles*, 221 AD3d 1592, 1592 [4th Dept 2023], *lv denied* 40 NY3d 1093 [2024]; *People v Albanese*, 218 AD3d 1366, 1366-1367 [4th Dept 2023], *lv denied* 40 NY3d 995 [2023]), we conclude that the sentence is not unduly harsh or severe.

Entered: May 10, 2024

Ann Dillon Flynn  
Clerk of the Court