

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

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KA 21-01173

PRESENT: LINDLEY, J.P., CURRAN, OGDEN, KEANE, AND HANNAH, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

STANLEY J. HINSON, DEFENDANT-APPELLANT.

JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (TONYA PLANK 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 (Judith A. Sinclair, J.), rendered August 17, 2021. The judgment convicted defendant upon a guilty plea of attempted burglary 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 attempted burglary in the second degree (Penal Law §§ 110.00, 140.25 [2]). Contrary to defendant's contention, his waiver of the right to appeal was knowing, voluntary, and intelligent (*see generally People v Thomas*, 34 NY3d 545, 560-563 [2019], *cert denied* – US –, 140 S Ct 2634 [2020]; *People v Brooks*, 188 AD3d 1630, 1630 [4th Dept 2020], *lv denied* 36 NY3d 1055 [2021]). That valid waiver forecloses review of defendant's request that we exercise our interest of justice jurisdiction to adjudicate him a youthful offender (*see People v Latimore*, 179 AD3d 1551, 1551-1552 [4th Dept 2020], *lv denied* 35 NY3d 971 [2020]).

Entered: July 26, 2024

Ann Dillon Flynn
Clerk of the Court