

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

538

**KA 23-01439**

PRESENT: LINDLEY, J.P., BANNISTER, OGDEN, GREENWOOD, AND KEANE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TYE K. CERONE, DEFENDANT-APPELLANT.

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CAITLIN M. CONNELLY, BUFFALO, FOR DEFENDANT-APPELLANT.

GREGORY J. MCCAFFREY, DISTRICT ATTORNEY, GENESEO (JOSHUA J. TONRA OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Livingston County Court (Kevin Van Allen, J.), rendered August 8, 2023. The judgment convicted defendant upon his plea of guilty of course of sexual conduct against a child in the first degree.

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

Memorandum: On appeal from a judgment convicting him upon his plea of guilty of course of sexual conduct against a child in the first degree (Penal Law § 130.75), defendant contends that his negotiated sentence is unduly harsh and severe. Even assuming, arguendo, that defendant's waiver of the right to appeal does not encompass his challenge to the severity of the sentence, we perceive no basis in the record on which to modify the sentence as a matter of discretion in the interest of justice (*see People v Stanley*, 162 AD3d 1581, 1581-1582 [4th Dept 2018], *lv denied* 32 NY3d 1178 [2019]; *People v Storms*, 147 AD3d 1341, 1341 [4th Dept 2017]; *see generally* CPL 470.15 [6] [b]).

Entered: July 26, 2024

Ann Dillon Flynn  
Clerk of the Court