

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

72

KA 09-02646

PRESENT: CENTRA, J.P., FAHEY, LINDLEY, SCONIERS, AND WHALEN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

DESMOND BONES, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (JAMES ECKERT OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (GEOFFREY KAEUPER OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Monroe County Court (Teresa D. Johnson, A.J.), rendered November 5, 2009. The judgment convicted defendant, upon his plea of guilty, of resisting arrest.

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 resisting arrest (Penal Law § 205.30), defendant contends that County Court abused its discretion in denying his request for an adjournment in order to submit a written motion to withdraw his plea. We note that the request for an adjournment occurred after defendant waived his right to appeal and, even assuming, arguendo, that defendant's waiver of the right to appeal was invalid, we conclude that the court did not abuse its discretion in denying defendant's request (*see People v Degree*, 270 AD2d 847, 847).

Entered: February 14, 2014

Frances E. Cafarell
Clerk of the Court