

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

551

KA 16-00878

PRESENT: WHALEN, P.J., CENTRA, LINDLEY, AND NEMOYER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

AUSTIN A. HEIDEMAN, DEFENDANT-APPELLANT.

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (MICHAEL S. DEAL OF COUNSEL), FOR DEFENDANT-APPELLANT.

LAWRENCE FRIEDMAN, DISTRICT ATTORNEY, BATAVIA (MELISSA L. CIANFRINI OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Genesee County Court (Michael F. Pietruszka, A.J.), rendered March 2, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal possession of precursors of methamphetamine.

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 criminal possession of precursors of methamphetamine (Penal Law § 220.72). Defendant's valid waiver of the right to appeal "forecloses appellate review of [County Court's] discretionary decision to deny [him] youthful offender status" (*People v Pacherille*, 25 NY3d 1021, 1024 [2015]). Contrary to defendant's contention, the court "was not required to explain that the waiver of the right to appeal would specifically encompass the court's discretionary determination on youthful offender status" (*People v Saraceni*, 153 AD3d 1559, 1560 [4th Dept 2017], *lv denied* 30 NY3d 913 [2018]).

Entered: April 27, 2018

Mark W. Bennett
Clerk of the Court