

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

1190

**KA 16-02157**

PRESENT: WHALEN, P.J., SMITH, CENTRA, NEMOYER, AND CURRAN, JJ.

---

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ARTHUR C. LINK, DEFENDANT-APPELLANT.

---

THE LEGAL AID BUREAU OF BUFFALO, INC., BUFFALO (CAITLIN M. CONNELLY OF COUNSEL), FOR DEFENDANT-APPELLANT.

LORI PETTIT RIEMAN, DISTRICT ATTORNEY, LITTLE VALLEY, FOR RESPONDENT.

---

Appeal from a judgment of the Cattaraugus County Court (Ronald D. Ploetz, J.), rendered August 29, 2016. The judgment convicted defendant, upon his plea of guilty, of criminal sale of a controlled substance in the fourth 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 criminal sale of a controlled substance in the fourth degree (Penal Law § 220.34 [1]). Contrary to defendant's contention, the record establishes that he validly waived his right to appeal (*see People v Lopez*, 6 NY3d 248, 256-257 [2006]; *People v Burdick*, 159 AD3d 1444, 1444 [4th Dept 2018], *lv denied* 31 NY3d 1115 [2018]; *People v Farrara*, 145 AD3d 1527, 1527 [4th Dept 2016], *lv denied* 29 NY3d 997 [2017]). Although the better practice is to inform the defendant during the plea colloquy that appellate counsel will be appointed if he or she is indigent (*see People v Brown*, 122 AD3d 133, 144 [2d Dept 2014], *lv denied* 24 NY3d 1042 [2014]), County Court's failure "to go into that level of detail did not render the waiver invalid" (*People v Pope*, 129 AD3d 1389, 1391 [3d Dept 2015] [Devine, J., concurring]; *see generally Lopez*, 6 NY3d at 257; *Brown*, 122 AD3d at 145). Defendant's valid waiver of his right to appeal forecloses his challenge to the severity of his sentence (*see Lopez*, 6 NY3d at 255-256).

Entered: November 16, 2018

Mark W. Bennett  
Clerk of the Court