

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

1311

KA 15-01807

PRESENT: WHALEN, P.J., PERADOTTO, TROUTMAN, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

SHAQUAN O. LATIMORE, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (JANET C. SOMES OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (SCOTT MYLES OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Monroe County Court (James J. Piampiano, J.), rendered August 11, 2015. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree and criminal possession of a weapon on school grounds.

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, inter alia, criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]). Contrary to defendant's contention, his valid waiver of the right to appeal forecloses review of County Court's discretionary decision to deny defendant youthful offender status (*see People v Pacherille*, 25 NY3d 1021, 1024 [2015]) and also "forecloses review of [his] request that we exercise our interest of justice jurisdiction to adjudicate him a youthful offender" (*People v Allen*, 174 AD3d 1456, 1458 [4th Dept 2019], *lv denied* 34 NY3d 978 [2019]).

Entered: January 31, 2020

Mark W. Bennett
Clerk of the Court