

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

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KA 15-00657

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

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

WILBERT QUINONES, ALSO KNOWN AS WILBERT QUINONES
MEDINA, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (DAVID R. JUERGENS OF
COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (STEPHEN X. O'BRIEN OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County
(Thomas E. Moran, J.), rendered October 20, 2014. The judgment
convicted defendant, upon his plea of guilty, of manslaughter in the
first 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 manslaughter in the first degree (Penal Law
§ 125.20 [1]). Defendant contends that his oral and written waivers
of the right to appeal do not bar his challenge to the severity of his
sentence. We conclude that the record establishes that defendant
knowingly, voluntarily and intelligently waived the right to appeal
(see *People v Ramos*, 7 NY3d 737, 738 [2006]; *People v Morales*, 148
AD3d 1638, 1639 [4th Dept 2017], *lv denied* 29 NY3d 1083 [2017]; see
generally People v Lopez, 6 NY3d 248, 256 [2006]), and that valid
waiver encompasses his challenge to the severity of the sentence (see
generally People v Lococo, 92 NY2d 825, 827 [1998]; *People v Hidalgo*,
91 NY2d 733, 737 [1998]).

Entered: February 9, 2018

Mark W. Bennett
Clerk of the Court