

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

1196/2019

PRESENT: CENTRA, J.P., CARNI, LINDLEY, CURRAN AND TROUTMAN, JJ.

KA 17-01911

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

ORDER

ANTHONY WORK, DEFENDANT-APPELLANT.

Now, upon the Court's own motion,

It is hereby ORDERED that the memorandum and order entered February 7, 2020 (- AD3d -, 2020 NY Slip Op 00962 [4th Dept 2020]) is vacated and the following memorandum and order is substituted therefor:

Appeal from a judgment of the Supreme Court, Erie County (Deborah A. Haendiges, J.), rendered February 1, 2017. The judgment convicted defendant upon his plea of guilty of criminal possession of a weapon in the third 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 possession of a weapon in the third degree (Penal Law § 265.02 [1]). Contrary to defendant's contention, he knowingly, intelligently, and voluntarily waived the right to appeal (see generally *People v Lopez*, 6 NY3d 248, 256 [2006]), and his valid waiver of the right to appeal encompasses his challenge to the severity of the sentence (see *id.* at 255; see generally *People v Lococo*, 92 NY2d 825, 827 [1998]; *People v Hidalgo*, 91 NY2d 733, 737 [1998]).

Entered: February 21, 2020

Mark W. Bennett
Clerk of the Court