

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

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KA 18-01373

PRESENT: WHALEN, P.J., BANNISTER, GREENWOOD, AND KEANE, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

BRUCE NEWTON, DEFENDANT-APPELLANT.

JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER (JONATHAN GARVIN OF COUNSEL),
FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (NANCY GILLIGAN OF
COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Monroe County Court (Melchor E. Castro, A.J.), rendered March 15, 2018. The judgment revoked defendant's sentence of probation and imposed a sentence of imprisonment.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment that, upon his admission to violating a condition of probation, revoked the sentence of probation imposed upon his conviction of attempted criminal sale of a controlled substance in the third degree (Penal Law §§ 110.00, 220.39 [1]) and sentenced him to a term of imprisonment followed by a period of postrelease supervision. Defendant's contention that his admission was not knowing, voluntary, and intelligent inasmuch as County Court failed to advise him on the record that he would be subject to postrelease supervision if the court sentenced him to a term of imprisonment is not preserved for our review (*see People v Collins*, 194 AD3d 1421, 1421 [4th Dept 2021], *lv denied* 37 NY3d 971 [2021]; *see generally People v Williams*, 27 NY3d 212, 222 [2016]), and we decline to exercise our power to review that contention as a matter of discretion in the interest of justice (*see CPL 470.15 [3] [c]*).

Entered: May 3, 2024

Ann Dillon Flynn
Clerk of the Court