

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: February 2, 2012

103587

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

KENNETH KNOTT,

Appellant.

Calendar Date: January 6, 2012

Before: Mercure, Acting P.J., Spain, Kavanagh, Stein and
Egan Jr., JJ.

Carolyn B. George, Albany, for appellant, and appellant pro
se.

Paul Czajka, District Attorney, Hudson (H. Neal Conolly of
counsel), for respondent.

Appeal from a judgment of the County Court of Columbia
County (Nichols, J.), rendered August 10, 2010, convicting
defendant upon his plea of guilty of the crime of failure to
register or verify as a sex offender.

Defendant, a risk level III sex offender, waived indictment
and pleaded guilty to a superior court information charging him
with failure to register or verify as a sex offender. County
Court sentenced defendant to 1½ to 4 years in prison and he now
appeals.

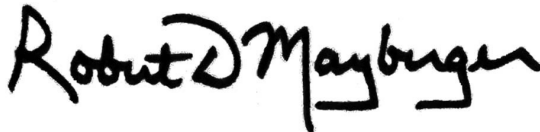
Initially, defendant's contention that he was not provided
with the effective assistance of counsel is not preserved for our
review given his failure to move to withdraw the plea or vacate

the judgment of conviction (see People v Bolden, 78 AD3d 1419, 1420 [2010], lv denied 16 NY3d 828 [2011]; People v Miller, 70 AD3d 1120, 1121 [2010], lv denied 14 NY3d 890 [2010]). Moreover, reversal in the interest of justice is not warranted, inasmuch as the record does not indicate that defendant's representation was less than meaningful (see People v Bolden, 78 AD3d at 1420; People v Miller, 70 AD3d at 1121). Nor are we persuaded that the sentence imposed was harsh or excessive. The record reflects that County Court considered all of the information contained in the presentence investigation report, as well as the letters submitted by defendant's family and friends. Defendant has not established the existence of any extraordinary circumstances or an abuse of discretion warranting reduction of the sentence in the interest of justice (see People v Mason, 82 AD3d 1365, 1366 [2011]; People v Hey, 74 AD3d 1582, 1583 [2010], lv denied 15 NY3d 852 [2010]).

Mercure, Acting P.J., Spain, Kavanagh, Stein and Egan Jr., JJ., concur.

ORDERED that the judgment is affirmed.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court