

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

Decided and Entered: May 3, 2018

108264

---

THE PEOPLE OF THE STATE OF  
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

YAHYA ROBINSON,

Appellant.

---

Calendar Date: March 28, 2018

Before: Garry, P.J., McCarthy, Lynch, Clark and Pritzker, JJ.

---

Michael C. Ross, Bloomingburg, for appellant.

James R. Farrell, District Attorney, Monticello (Meagan K. Galligan of counsel), for respondent.

---

Lynch, J.

Appeal from a judgment of the County Court of Sullivan County (LaBuda, J.), rendered January 8, 2016, convicting defendant upon his plea of guilty of the crime of manslaughter in the first degree.

Defendant pleaded guilty to the reduced charge of manslaughter in the first degree and waived his right to appeal both orally and in writing. He was sentenced as a second felony offender, in accordance with the terms of the plea agreement, to a prison term of 25 years followed by five years of postrelease supervision. Defendant appeals.

We affirm. Defendant's contention that his plea was involuntary because he was coerced by an alleged promise that

charges against the mother of his children would not be pursued survives his appeal waiver but is unpreserved for our review as the record does not reflect that he made an appropriate postallocution motion, and the narrow exception to the preservation requirement is inapplicable (see People v Lloyd, 142 AD3d 1250, 1251 [2016], lv denied 28 NY3d 1073 [2016]; People v Lester, 141 AD3d 951, 953 [2016], lv denied 28 NY3d 1185 [2017]). Further, defendant's unchallenged, albeit valid, waiver of the right to appeal precludes his challenge to the severity of the sentence (see People v Fairweather, 147 AD3d 1153, 1154 [2017], lv denied 29 NY3d 1031 [2017]).

Garry, P.J., McCarthy, Clark and Pritzker, 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