

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

Decided and Entered: January 25, 2018

108631

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THE PEOPLE OF THE STATE OF  
NEW YORK,

Respondent,

MEMORANDUM AND ORDER

v

GARY R. ST. MARY,

Appellant.

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Calendar Date: December 13, 2017

Before: McCarthy, J.P., Egan Jr., Lynch, Rumsey and  
Pritzker, JJ.

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Adam H. Van Buskirk, Chateaugay, for appellant.

Craig P. Carriero, District Attorney, Malone (Jennifer M.  
Hollis of counsel), for respondent.

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Appeal from a judgment of the County Court of Franklin  
County (Main Jr., J.), rendered March 22, 2016, convicting  
defendant upon his plea of guilty of the crime of burglary in the  
second degree.

In satisfaction of a five-count indictment, defendant  
pleaded guilty to burglary in the second degree and waived his  
right to appeal. County Court sentenced defendant, in accordance  
with the terms of the plea agreement, to a prison term of eight  
years followed by 2½ years of postrelease supervision. Defendant  
appeals.

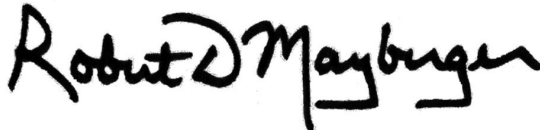
Defendant's sole contention on appeal is that the sentence  
imposed was harsh and excessive given, among other things, his  
remorse and acceptance of responsibility for the crime. However,

defendant's unchallenged appeal waiver precludes our review of this contention (see People v Lopez, 6 NY3d 248, 256 [2006]; People v Haines, 154 AD3d 1017, 1017 [2017]; People v Odom, 150 AD3d 1484, 1485 [2017]).

McCarthy, J.P., Egan Jr., Lynch, Rumsey 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