

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

Decided and Entered: January 24, 2019

108396

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JEFFREY STEELE,

Appellant.

Calendar Date: January 4, 2019

Before: Garry, P.J., Egan Jr., Mulvey, Devine and Pritzker, JJ.

Brian M. Callahan, Albany, for appellant.

Robert M. Carney, District Attorney, Schenectady (Peter H. Willis of counsel), for respondent.

Appeal from a judgment of the County Court of Schenectady County (Sypnewski, J.), rendered October 23, 2015, 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. County Court sentenced defendant, 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.

Defendant's sole contention on appeal is that the sentence is harsh and excessive given his relative youth, lack of criminal history and history of mental illness. This issue,

however, is precluded by the unchallenged appeal waiver (see People v Lopez, 6 NY3d 248, 256 [2006]; People v Gorman, 165 AD3d 1349, 1349 [2018], lv denied ___ NY3d ___ [Dec. 27, 2018]; People v Allen, 165 AD3d 1348, 1348 [2018]).

Garry, P.J., Egan Jr., Mulvey, Devine 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