

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

Decided and Entered: August 1, 2019

109501

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JOHN ILACQUA,

Appellant.

Calendar Date: June 21, 2019

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

Tracy E. Steeves, Kingston, for appellant.

D. Holley Carnright, District Attorney, Kingston (Joan Gudesblatt Lamb of counsel), for respondent.

Appeal from a judgment of the County Court of Ulster County (Williams, J.), rendered November 9, 2016, convicting defendant upon his plea of guilty of the crime of burglary in the second degree.

Defendant pleaded guilty to burglary in the second degree in full satisfaction of the two-count indictment and waived the right to appeal. County Court thereafter imposed the agreed-upon sentence of six years in prison, to be followed by five years of postrelease supervision. Defendant appeals.


Defendant's sole contention on appeal is that his sentence is harsh and excessive. However, this contention is precluded from our review by his unchallenged waiver of the right to

appeal (see People v St. Mary, 157 AD3d 1168, 1169 [2018], lv denied 31 NY3d 986 [2018]; People v Odom, 150 AD3d 1484, 1485 [2017]).

Garry, P.J., Lynch, Clark, 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