

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

Decided and Entered: January 21, 2021

110884

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

RICHARD CARTER,

Appellant.

Calendar Date: January 4, 2021

Before: Clark, J.P., Mulvey, Aarons, Pritzker and Reynolds
Fitzgerald, JJ.

Todd G. Monahan, Schenectady, for appellant.

David J. Clegg, District Attorney, Kingston (Joan
Gudesblatt Lamb of counsel), for respondent.

Appeal from a judgment of the County Court of Ulster
County (Williams, J.), rendered September 26, 2018, convicting
defendant upon his plea of guilty of the crime of attempted
promoting prison contraband in the first degree.

In satisfaction of a two-count indictment, defendant
pleaded guilty to the reduced charge of attempted promoting
prison contraband in the first degree and waived his right to
appeal. Defendant, a second felony offender, was sentenced in
accordance with the terms of the plea agreement to a prison term
of 1½ to 3 years, to run consecutively to the sentence he was
currently serving. Defendant appeals.

We affirm. The sole contention raised by defendant – that the sentence imposed is harsh and excessive – is precluded by his unchallenged waiver of the right to appeal (see People v Lopez, 6 NY3d 248, 255-256 [2006]; People v Allen, 181 AD3d 1093, 1094 [2020]; People v Brickhouse, 181 AD3d 1057, 1057 [2020], lv denied 35 NY3d 1025 [2020]).

Clark, J.P., Mulvey, Aarons, Pritzker and Reynolds
Fitzgerald, 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