

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

Decided and Entered: April 11, 2019

109287

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

FERNANDO ADORNO,

Appellant.

Calendar Date: March 15, 2019

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

Justin C. Brusgul, Voorheesville, 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 January 18, 2017, 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 and waived the right to appeal. County Court thereafter imposed the agreed-upon sentence of 4½ years in prison, to be followed by five years of postrelease supervision. Defendant appeals.

We affirm. Defendant's sole argument on appeal is that his sentence is harsh and excessive. This argument is precluded by defendant's unchallenged waiver of the right to appeal (see People v Valachovic, 163 AD3d 1351, 1351-1352 [2018]; People v

Chapman, 160 AD3d 1211, 1211 [2018])). Therefore, the judgment of conviction is affirmed.

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