

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

Decided and Entered: December 5, 2024

CR-23-0194

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

JAJUAN CARDEN,

Appellant.

Calendar Date: November 13, 2024

Before: Aarons, J.P., Pritzker, Ceresia, McShan and Mackey, JJ.

Amanda FiggsGanter, Albany, for appellant.

P. David Soares, District Attorney, Albany (*Emily Schultz* of counsel), for respondent.

Pritzker, J.

Appeal from a judgment of the County Court of Albany County (Andra L. Ackerman, J.), rendered August 1, 2022, convicting defendant upon his plea of guilty of the crime of criminal possession of a weapon in the second degree.

In satisfaction of a two-count indictment and several other pending charges, defendant pleaded guilty to criminal possession of a weapon in the second degree and waived his right to appeal. As part of the negotiated plea deal, defendant also pleaded guilty to a superior court information charging him with bail jumping in the second degree, and that conviction is the subject of a separate appeal (*People v Carden*, ___ AD3d ___ [3d Dept 2024] [decided herewith]). Defendant was sentenced pursuant to the

terms of the plea agreement, as a second felony offender, to 12½ years in prison, to be followed by five years of postrelease supervision, to run concurrently to the lesser sentence imposed on his conviction for bail jumping in the second degree. Defendant appeals.

We affirm. For the reasons stated in defendant's related appeal (*People v Carden*, ___ AD3d at ___), defendant's arguments – namely, his ineffective assistance of counsel claim and challenges to the voluntariness of his guilty plea and the severity of his sentence – are either precluded by his unchallenged waiver of appeal or unpreserved for our review (*see generally People v Atkins*, 222 AD3d 1043, 1043 [3d Dept 2023], *lv denied* 41 NY3d 982 [2024]; *People v McQuilla*, 210 AD3d 1191, 1192 [3d Dept 2022]).

Aarons, J.P., Ceresia, McShan and Mackey, 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