

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

Decided and Entered: November 6, 2025

CR-24-0380

THE PEOPLE OF THE STATE OF
NEW YORK

Respondent,

v

MEMORANDUM AND ORDER

RAHMEL J. HARDY,

Appellant.

Calendar Date: October 3, 2025

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

Thomas L. Pelych, Hornell, for appellant.

F. Paul Battisti, District Attorney, Binghamton (*Mary E. Saitta* of counsel), for respondent.

Appeal from a judgment of the County Court of Broome County (Joseph Cawley, J.), rendered January 27, 2023, convicting defendant upon his plea of guilty of the crime of attempted criminal possession of a weapon in the second degree.

In satisfaction of a superior court information, defendant pleaded guilty to attempted criminal possession of a weapon in the second degree and agreed to waive his right to appeal. In accordance with the plea agreement, County Court sentenced defendant, as a second violent felony offender, to a prison term of five years, to be followed by five years of postrelease supervision. Defendant appeals.

Defendant's sole contention on appeal is that the sentence imposed is unduly harsh and severe given various alleged mitigating factors. Defendant's request that we reduce

his sentence in the interest of justice is foreclosed, however, by his unchallenged waiver of his right to appeal (*see People v Drennen*, 236 AD3d 1245, 1247 [3d Dept 2025], *lv denied* 43 NY3d 1045 [2025]; *People v Kozik*, 235 AD3d 1065, 1066 [3d Dept 2025], *lv denied* 43 NY3d 964 [2025]; *People v Brown*, 197 AD3d 1440, 1440 [3d Dept 2021]).

Clark, J.P., Aarons, Pritzker, Reynolds Fitzgerald and McShan, JJ., concur.

ORDERED that the judgment is affirmed.

ENTER:

A handwritten signature in black ink, reading "Robert D. Mayberger". The signature is written in a cursive, flowing style with a large initial "R" and a stylized "M".

Robert D. Mayberger
Clerk of the Court