

**SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT**

People v. Morrow

2021 NY Slip Op 05724 (N.Y. Ct. App. 2021) · No. 2019-08615 · Decided October 20, 2021

OPINION

PER CURIAM.

People v Morrow (2021 NY Slip Op 05724) People v Morrow 2021 NY Slip Op 05724 Decided on October 20, 2021 Appellate Division, Second Department Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. This opinion is uncorrected and subject to revision before publication in the Official Reports. Decided on October 20, 2021 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department MARK C. DILLON, J.P.

LINDA CHRISTOPHER PAUL WOOTEN DEBORAH A. DOWLING, JJ. 2019-08615 (Ind. No. 10048/18) [*1]The People of the State of New York, respondent, vMeredithe Morrow, appellant. Del Atwell, East Hampton, NY, for appellant. William V. Grady, District Attorney, Poughkeepsie, NY (Kirsten A. Rappleyea of counsel), for respondent. DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Dutchess County (Edward T. McLoughlin, J.), rendered January 11, 2019, convicting her of criminal possession of a controlled substance in the third degree, upon her plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed. The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived her right to appeal (see *People v Sanders*, 25 NY3d 337, 340-342; *People v Lopez*, 6 NY3d 248, 256-257; *People v Puccio*, 191 AD3d 1022, 1022).

Although the defendant's contention regarding the voluntariness of her plea survives her valid waiver of the right to appeal (see *People v Seaberg*, 74 NY2d 1, 10; *People v Lujan*, 114 AD3d 963, 964), the defendant failed to preserve this contention for appellate review (see *People v McClenic*, 155 AD3d 1064; *People v Coachman*, 154 AD3d 957).

In any event, the contention is without merit, as the record reflects that the defendant's plea of guilty was knowing, voluntary, and intelligent (see *People v Seeber*, 4 NY3d 780, 780-781; *People v Fiumefreddo*, 82 NY2d 536, 543; *People v Hendrix*, 172 AD3d 1224, 1224).

The defendant's valid waiver of her right to appeal precludes appellate review of her contention that the sentence imposed was excessive (see *People v Lopez*, 6 NY3d at 255). DILLON, J.P., CHRISTOPHER, WOOTEN and DOWLING, JJ., concur. ENTER: Maria T. Fasulo Acting Clerk of the Court

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