

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

People v. Tenemaza

2026 NY Slip Op 03323 · No. 2024-10654 · Decided May 27, 2026

SUMMARY

The Appellate Division, Second Department affirmed a judgment convicting Manuel Lema Tenemaza of aggravated driving while intoxicated with a child following his guilty plea. The court held that his challenge to amendment of the superior court information was forfeited by the plea and barred by his appeal waiver. It also held that his claim concerning inadequate advice about immigration consequences was unpreserved and declined to review it in the interest of justice.

OPINION

PER CURIAM.

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May 27, 2026

Appellate Division, Second Department

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The People of the State of New York, respondent,

v

Manuel Lema Tenemaza, appellant.

(S.C.I. No. 70173/24)

Supreme Court of the State of New York, Appellate Division, Second Judicial Department

Decided on May 27, 2026

2024-10654

Mark C. Dillon, J.P.

William G. Ford

Lourdes M. Ventura

Elena Goldberg Velazquez, JJ.

N. Scott Banks, Hempstead, NY (Tammy Feman, Dori Cohen, and Elizabeth Walker of counsel), for appellant.

Anne T. Donnelly, District Attorney, Mineola, NY (Daniel Bresnahan and Jared A. Chester of counsel; Erica Marciante on the brief), for respondent.

DECISION & ORDER

Appeal by the defendant from a judgment of the County Court, Nassau County

(David P. Sullivan, J.), rendered April 2, 2024, convicting him of aggravated driving while intoxicated with a child, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

As part of a negotiated disposition, the defendant waived his right to be prosecuted by indictment and, under a superior court information (hereinafter SCI), pleaded guilty to aggravated driving while intoxicated with a child.

The County Court rendered judgment thereafter. The defendant appeals.

The defendant's contention challenging the County Court's granting of the People's application to amend the SCI to cure a nonjurisdictional defect is forfeited by his plea of guilty and barred by his uncontested appeal waiver (*see* *People v Garcia*, 236 AD3d 576, 576-577; *People v Ford*, 231 AD3d 1241, 1242 n 1; *People v Feltz*, 223 AD3d 683, 683; *People v McKinney*, 122 AD3d 1083, 1083).

The defendant's contention that his plea of guilty was involuntary because the County Court failed to properly advise him of the immigration consequences of his plea is unpreserved for appellate review.

The defendant "was informed before he pleaded guilty of the possibility that he could be deported as a result of his plea, and if he was confused about that issue, he was obligated to move to withdraw his plea on that ground before the sentencing court" (*People v Pastor*, 28 NY3d 1089, 1091).

We decline to review it in the exercise of our interest of justice jurisdiction.

DILLON, J.P., FORD, VENTURA and GOLDBERG VELAZQUEZ, JJ., concur.

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PER CURIAM.

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This decision is uncorrected and subject to revision before publication in the Official Reports. The People of the State of New York, respondent, v Manuel Lema Tenemaza, appellant. (S.C.I. No. 70173/24) Supreme Court of the State of New York, Appellate Division, Second Judicial Department Decided on May 27, 2026 2024-10654 Mark C. Dillon, J.P. William G. Ford Lourdes M. Ventura Elena Goldberg Velazquez, JJ. N. Scott Banks, Hempstead, NY (Tammy Feman, Dori Cohen, and Elizabeth Walker of counsel), for appellant.

Anne T. Donnelly, District Attorney, Mineola, NY (Daniel Bresnahan and Jared A. Chester of counsel; Erica Marciante on the brief), for respondent. [*1] DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Nassau County (David P. Sullivan, J.), rendered April 2, 2024, convicting him of aggravated driving while intoxicated with a child, upon his plea of guilty, and imposing sentence.

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We decline to review it in the exercise of our interest of justice jurisdiction. DILLON, J.P., FORD, VENTURA and GOLDBERG VELAZQUEZ, JJ., concur. ENTER: Darrell M. Joseph Clerk of the Court Court Decisions All Court Decisions Official Reports Service Bound Volumes Decision Search Resources RSS Feeds Style Manual Citation Tools Opinion Formatting & Privacy Guidelines Opinion Selection Criteria Legal Research Portal Site Index About About the Law Reporting Bureau About our Operations Contact Us Twitter Quick Contact Info 17 Lodge Street Albany, NY 12207 Phone: (518) 453-6900 Links to or from other sites do not signify endorsement or relationship with them.