

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

The People of the State of New York v. Demar Lewin

2025 NY Slip Op 06731 · No. 2024-05798 · Decided December 3, 2025

OPINION

PER CURIAM.

People v Lewin (2025 NY Slip Op 06731) People v Lewin 2025 NY Slip Op 06731 Decided on December 3, 2025 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 December 3, 2025 SUPREME COURT OF THE STATE OF NEW YORK Appellate Division, Second Judicial Department FRANCESCA E. CONNOLLY, J.P.

PAUL WOOTEN JANICE A. TAYLOR CARL J. LANDICINO, JJ. 2024-05798 (Ind. No. 72648/22) [*1]The People of the State of New York, respondent, v Demar Lewin, appellant. Law Offices of Christina T. Hall & Associates, PLLC, Harrison, NY (Jonathan Rosenberg of counsel), for appellant. Susan Cacace, District Attorney, White Plains, NY (Steven A. Bender and Raffaelina Gianfrancesco of counsel), for respondent.

DECISION & ORDER Appeal by the defendant from a judgment of the County Court, Westchester County (Robert J. Prisco, J.), rendered May 31, 2024, convicting him of robbery in the second degree, upon his plea of guilty, and imposing sentence. ORDERED that the judgment is affirmed.

The record demonstrates that the defendant knowingly, voluntarily, and intelligently waived his right to appeal (see People v Foy, 238 AD3d 784, 785; People v Corines, 204 AD3d 827, 828). The defendant's valid waiver of the right to appeal precludes appellate review of his contention that the County Court erred in denying his motion to suppress identification testimony (see People v Kemp, 94 NY2d 831, 833; People v Oneal, 202 AD3d 710, 710).

However, the defendant's contention that his plea of guilty was not knowing, voluntary, or intelligent survives the valid waiver of the right to appeal (see People v Corines, 204 AD3d at 828). Nonetheless, the record as a whole and the circumstances surrounding the entry of the plea reveal that the defendant's plea was knowingly, voluntarily, and intelligently made (see id.; People v Sulaiman, 134 AD3d 860, 861).

The defendant's remaining contention is not preserved for appellate review. CONNOLLY, J.P., WOOTEN, TAYLOR and LANDICINO, JJ., concur. ENTER: Darrell M. Joseph Clerk of the

Court

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