

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

859

KA 08-01165

PRESENT: SCUDDER, P.J., HURLBUTT, MARTOCHE, SMITH, AND CENTRA, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

STANLEY A. BROWN, DEFENDANT-APPELLANT.

ROSEMARIE RICHARDS, GILBERTSVILLE, FOR DEFENDANT-APPELLANT.

CINDY F. INTSCHERT, DISTRICT ATTORNEY, WATERTOWN (AARON D. CARR OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Jefferson County Court (Kim H. Martusewicz, J.), rendered May 7, 2007. The judgment convicted defendant, upon his plea of guilty, of attempted course of sexual conduct against a child in the first degree and attempted sodomy in the first degree.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: On appeal from a judgment convicting him upon his plea of guilty of, inter alia, attempted course of sexual conduct against a child in the first degree (Penal Law §§ 110.00, 130.75 [1] [a]), defendant contends that County Court erred in refusing to suppress his statement to the police on the ground that it was involuntary. We reject that contention. "[A] court's determination that [a] statement was voluntarily made 'is entitled to great deference and will not be disturbed where, as here, it is supported by the record' " (*People v Childres*, 60 AD3d 1278, 1278). To the extent that the further contention of defendant that he was denied effective assistance of counsel at the suppression hearing is not forfeited by the guilty plea (*see People v Petgen*, 55 NY2d 529, 534-535, *rearg denied* 57 NY2d 674; *People v Santos*, 37 AD3d 1141, *lv denied* 8 NY3d 950), it is lacking in merit (*see generally People v Ford*, 86 NY2d 397, 404).

Entered: June 5, 2009

Patricia L. Morgan
Clerk of the Court