

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

962

KA 07-00745

PRESENT: SMITH, J.P., FAHEY, CARNI, PINE, AND GORSKI, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

EDWARD C. ROBINSON, DEFENDANT-APPELLANT.

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FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (PHILIP ROTHSCCHILD OF COUNSEL), FOR DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (BRENTON P. DADEY OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Onondaga County Court (Anthony F. Aloï, J.), rendered May 4, 2006. The judgment convicted defendant, upon his plea of guilty, of criminal possession of a weapon in the second degree.

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

Memorandum: Defendant appeals from a judgment convicting him, upon his plea of guilty, of criminal possession of a weapon in the second degree (Penal Law § 265.03 [former (2)]). Defendant failed to preserve for our review his contention that his guilty plea was coerced by County Court inasmuch as he failed to raise that issue in his motion to withdraw his plea at sentencing and failed to move to vacate the judgment of conviction on that ground (*see People v Carlisle*, 50 AD3d 1451, *lv denied* 10 NY3d 957). In any event, we reject defendant's contention. Upon our review of the record, we conclude that the court's discussion of the sentence that defendant could face were he to proceed to trial was properly informative, and was not coercive (*see People v Pagan*, 297 AD2d 582, *lv denied* 99 NY2d 562; *see also People v Rice*, 18 AD3d 351, *lv denied* 5 NY3d 768). Finally, the bargained-for sentence is not unduly harsh or severe.

Entered: July 10, 2009

Patricia L. Morgan  
Clerk of the Court