

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

1330

**KA 10-00977**

PRESENT: SMITH, J.P., PERADOTTO, LINDLEY, GREEN, AND MARTOCHE, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

LUCAS LANGE, DEFENDANT-APPELLANT.

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TYSON BLUE, MACEDON, FOR DEFENDANT-APPELLANT.

RICHARD M. HEALY, DISTRICT ATTORNEY, LYONS (CHRISTOPHER BOKELMAN OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Wayne County Court (Dennis M. Kehoe, J.), rendered November 4, 2009. The judgment convicted defendant, upon his plea of guilty, of reckless endangerment in the first degree, aggravated unlicensed operation of a motor vehicle in the first degree and driving while intoxicated, a class E felony.

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, inter alia, reckless endangerment in the first degree (Penal Law § 120.25). By pleading guilty, defendant forfeited his challenge to the evidence of his guilt supporting the reckless endangerment charge, i.e., his guilty plea "signal[ed] defendant's 'intention not to litigate the question of his guilt' " with respect to that charge (*People v Taylor*, 65 NY2d 1, 5; see *People v Dewitt*, 295 AD2d 937, 938, lv denied 98 NY2d 709, 767). In any event, that challenge "rests on speculation as to what the evidence might have been had there been a trial" (*People v Washington*, 262 AD2d 209, lv denied 93 NY2d 1006). The sentence is not unduly harsh or severe.

Entered: December 23, 2011

Frances E. Cafarell  
Clerk of the Court