

State of New York Court of Appeals

BEFORE: HON. JANET DiFIORE, Chief Judge

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

Respondent,

**ORDER
DENYING
LEAVE**

DARYL STEPHEN;

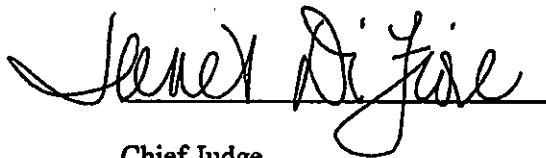
Appellant.

Appellant having applied for leave to appeal to this Court pursuant to Criminal Procedure
Law § 460.20 from an order in the above-captioned case;*

UPON the papers filed and due deliberation, it is

ORDERED that the application is denied.

Dated: 4/29/22



Chief Judge

*Description of Order: Order of the Appellate Division, First Department, entered March 22, 2022, affirming a judgment of the Supreme Court, New York County, rendered August 22, 2016.

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

Renwick, J.P., Manzanet-Daniels, Singh, Kennedy, Scarpulla, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

Ind. No. 276/16
Case No. 2017-1452

-against-

DARYL STEPHEN,
Defendant-Appellant.

Janet E. Sabel, The Legal Aid Society, New York (Steven J. Miraglia of counsel), for appellant.

Alvin L. Bragg, Jr., District Attorney, New York (Susan Axelrod of counsel), for respondent.

Judgment, Supreme Court, New York County (Laura A. Ward, J.), rendered August 22, 2016, convicting defendant, upon his plea of guilty, of criminal possession of a forged instrument in the second degree, and sentencing him to five years' probation, unanimously affirmed.

Defendant made a valid waiver of his right to appeal (*see People v Thomas*, 34 NY3d 545 [2019], *cert denied* 589 US —, 140 S Ct 2634 [2020]; *People v Bryant*, 28 NY3d 1094 [2016]; *see also People v Dilworth*, 189 AD3d 636 [1st Dept 2020], *lv denied* 36 NY3d 1096 [2021]). The plea court's colloquy with defendant, taken together with the written appeal waiver defendant signed in court after consulting with counsel, established a knowing, intelligent and voluntary waiver. This waiver forecloses defendant's claims relating to a search warrant.

In any event, the court providently exercised its discretion in issuing a protective order permitting a minor redaction of the supporting affidavit of the search warrant application, because there was “good cause” for the redaction (CPL 240.50[1], repealed and replaced by CPL 245.70), and the unredacted allegations provided defendant with the facts necessary to meaningfully contest the warrant (*see generally People v Castillo*, 80 NY2d 578, 582-585 [1992], *cert denied* 507 US 1033 [1993]). The warrant was sufficiently particularized and was not overbroad (*see generally United States v Ganius*, 824 F3d 199, 217 [2d Cir 2016 en banc], *cert denied* 580 US --, 137 S Ct 569 [2016]).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: March 22, 2022

A handwritten signature in black ink, reading "Susanna Molina Rojas". The signature is fluid and cursive, with the first name "Susanna" and last name "Rojas" clearly distinguishable.

Susanna Molina Rojas
Clerk of the Court