Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12571
A/mv

_____AD3d_____ Submitted - October 6, 2006

ROBERT W. SCHMIDT, J.P.
FRED T. SANTUCCI
WILLIAM F. MASTRO
STEVEN W. FISHER, JJ.

2002-10074 DECISION & ORDER

The People, etc., respondent,
v Timothy Lewis, appellant.

(Ind. No. 723/01)

Lynn W. L. Fahey, New York, N.Y. (Barry Stendig of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Jeanette Lifschitz, and Rona I. Kugler of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Buchter, J.), rendered October 16, 2002, convicting him of rape in the first degree, rape in the second degree, sexual abuse in the first degree, and endangering the welfare of a child, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's allegations of improper bolstering are unpreserved for appellate review as the defense counsel either failed to make specific and timely objections to the testimony at trial (*see* CPL 470.05[2]; *People v Wilson*, 295 AD2d 545) or failed to seek further ameliorative action after certain objections were sustained (*see People v Medina*, 53 NY2d 951; *People v Powell*, 4 AD3d 489; *People v Joseph*, 298 AD2d 601). In any event, any error was harmless in light of the overwhelming evidence of the defendant's guilt (*see People v Crimmins*, 36 NY2d 230).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

The defendant's remaining contention is without merit.

SCHMIDT, J.P., SANTUCCI, MASTRO and FISHER, JJ., concur.

ENTER:

James Edward Pelzer
Clerk of the Court