

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

D12665  
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Argued - October 12, 2006

ANITA R. FLORIO, J.P.  
GABRIEL M. KRAUSMAN  
WILLIAM F. MASTRO  
JOSEPH COVELLO, JJ.

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2005-05074

DECISION & ORDER

The People, etc., respondent,  
v Gilbert Colon, appellant.

(Ind. No. 207/04)

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Lynn W. L. Fahey, New York, N.Y. (Paul Skip Laisure of counsel), for appellant.

Daniel M. Donovan, Jr., District Attorney, Staten Island, N.Y. (Paul A. Capofari and Anne Crick of counsel; Rian Silverman on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Richmond County (Rienzi, J.), rendered May 13, 2005, convicting him of criminal possession of a controlled substance in the third degree, upon his plea of guilty, and imposing sentence. The appeal brings up for review the denial, after a hearing, of that branch of the defendant's motion which was to suppress physical evidence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, a parole officer's question about contraband bore a substantially rational and reasonable relation to the parole officers' duty with respect to the defendant, a parolee (*see People v Santos*, 31 AD2d 508, *affd* 25 NY2d 976, *cert denied* 397 US 969; *see also People v Huntley*, 43 NY2d 175, 181; *cf. People v Jackson*, 46 NY2d 171, 174-175). Accordingly, the search which followed his answer to that question was proper.

November 21, 2006

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The defendant's remaining contention is unreserved for appellate review and, in any event, is without merit.

FLORIO, J.P., KRAUSMAN, MASTRO and COVELLO, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court