

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

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Submitted - October 23, 2006

GLORIA GOLDSTEIN, J.P.  
ROBERT A. SPOLZINO  
PETER B. SKELOS  
JOSEPH COVELLO, JJ.

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2005-00896

DECISION & ORDER

The People, etc., respondent,  
v Charles Walsh, appellant.

(Ind. No. 1204/04)

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Lynn W. L. Fahey, New York, N.Y. (Alexis A. Ascher of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,  
Sharon Y. Brodt, and John McGoldrick of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Spires, J.), rendered December 20, 2004, convicting him of assault in the second degree (two counts), endangering the welfare of a child (three counts), and criminal possession of a weapon in the fourth degree, after a nonjury trial, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's claim that the Supreme Court deprived him of his right to present a defense and to confront a witness as to an alleged incident between the witness and the complainant is without merit. The Supreme Court providently exercised its discretion in limiting the cross-examination of the prosecution witness, who was the complainant's mother, about the alleged incident. The excluded line of questioning, by which the defendant attempted to establish that the witness had a motive to fabricate her testimony because she was afraid that the complainant would

physically harm her, was too remote and speculative, lacking in factual basis (*see People v Hoover*, 298 AD2d 599; *People v DaCosta*, 201 AD2d 402).

GOLDSTEIN, J.P., SPOLZINO, SKELOS 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