

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.

2004-07624

DECISION & ORDER

The People, etc., respondent,
v Russell Walker, appellant.

(Ind. No. 875/03)

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

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

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Katz, J.), rendered August 24, 2004, convicting him of robbery in the second degree and assault in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's challenges to the prosecutor's summation comments are unpreserved for appellate review (*see* CPL 470.05[2]; *People v Balls*, 69 NY2d 641; *People v Nieves*, 2 AD3d 539) and we decline to review them in the exercise of our interest of justice jurisdiction.

GOLDSTEIN, J.P., SPOLZINO, SKELOS and COVELLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 12, 2006

PEOPLE v WALKER, RUSSELL