

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

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_____AD3d_____

Argued - December 8, 2006

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

2004-10288

DECISION & ORDER

The People, etc., respondent,
v Thomasina Rice, appellant.

(Ind. No. 10194/04)

Lynn W. L. Fahey, New York, N.Y. (Reyna E. Marder of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Jeanette Lifschitz, Benjamin Mastaitis, and Michael S. Horn of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Latella, J.), rendered November 17, 2004, convicting her of criminal sale of a controlled substance in the third degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

In light of the overwhelming evidence of the defendant's guilt, the prosecutor's comments in summation, to which objection was made and overruled, constitute harmless error and thus do not warrant reversal (*see People v Crimmins*, 36 NY2d 230).

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

ENTER:



James Edward Pelzer
Clerk of the Court

January 23, 2007

PEOPLE v RICE, THOMASINA