

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

D15350
C/hu

_____AD3d_____

Argued - April 26, 2007

REINALDO E. RIVERA, J.P.
GLORIA GOLDSTEIN
MARK C. DILLON
EDWARD D. CARNI, JJ.

2004-08420

DECISION & ORDER

The People, etc., respondent,
v Michael Webster, appellant.

(Ind. No. 1482/03)

Matthew Muraskin, Huntington, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Anne E. Oh of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Mullen, J.), rendered August 17, 2004, convicting him of rape in the first degree (two counts), sodomy in the first degree, use of a child in a sexual performance (six counts), sexual abuse in the second degree (three counts), and endangering the welfare of a child, upon a jury verdict, and imposing sentencing.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, he was not denied the effective assistance of counsel. Viewing the record as a whole, we conclude that the defendant received meaningful representation (*see People v Turner*, 5 NY3d 476, 480; *People v Baldi*, 54 NY2d 137, 147; *People v Gonzalez*, 22 AD3d 597, 598).

The defendant's contentions regarding the testimony of a detective and the defendant's sentence, raised in Points One and Three of his brief, respectively, are unpreserved for appellate review and, in any event, are without merit.

May 29, 2007

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The defendant's remaining contentions are without merit.

RIVERA, J.P., GOLDSTEIN, DILLON and CARNI, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court