

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

D15378
W/gts

_____AD3d_____

Argued - May 8, 2007

HOWARD MILLER, J.P.
WILLIAM F. MASTRO
GABRIEL M. KRAUSMAN
EDWARD D. CARNI, JJ.

2004-10202

DECISION & ORDER

The People, etc., respondent,
v Duane Billups, appellant.

(Ind. No. 4775/03)

Lynn W. L. Fahey, New York, N.Y. (Winston McIntosh of counsel), for appellant,
and appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Keith
Dolan of counsel), for respondents.

Appeal by the defendant from a judgment of the Supreme Court, Kings County
(Marrus, J.), rendered November 4, 2004, convicting him of murder in the second degree and criminal
possession of a weapon in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contentions raised in his supplemental pro se appellate
brief, he was not denied the effective assistance of counsel by reason of the strategy and tactics
employed by his trial attorney. Rather, review of the record as a whole demonstrates that he was
afforded meaningful representation (*see People v Benevento*, 91 NY2d 708; *People v Baldi*, 54 NY2d
137).

The defendant's remaining contentions are unpreserved for appellate review, since the
defendant either failed to raise any objection, voiced a general objection without specifying the

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ground therefor, or failed to seek further relief when an objection was sustained or a curative instruction was provided by the court (*see* CPL 470.05[2]; *People v Tevaha*, 84 NY2d 879; *People v Heide*, 84 NY2d 943; *People v Medina*, 53 NY2d 951).

MILLER, J.P., MASTRO, KRAUSMAN and CARNI, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court