

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

D15580
G/gts

_____AD3d_____

Argued - May 17, 2007

A. GAIL PRUDENTI, P.J.
FRED T. SANTUCCI
JOSEPH COVELLO
EDWARD D. CARNI, JJ.

2004-06292

DECISION & ORDER

The People, etc., respondent,
v Cleveland Hawkins, appellant.

(Ind. No. 652/03)

Lynn W. L. Fahey, New York, N.Y. (Joshua M. Levine of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Rhea A. Grob of counsel; Ilan Schwed on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Tomei, J.), rendered June 17, 2004, convicting him of burglary in the second degree, upon a jury verdict, and imposing sentence.

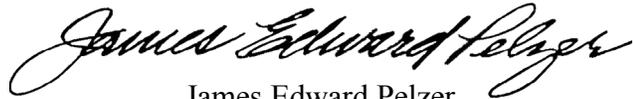
ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court properly denied his application to dismiss for cause a juror whose 23-year-old daughter was employed as a timekeeper at the Kings County District Attorney's Office. Upon conducting an inquiry of the juror, the court determined that, although the juror enjoyed a close relationship with her daughter, there was no indication of any professional relationship or interaction of any kind between the daughter and the trial prosecutor. The juror gave repeated and unequivocal assurances that her daughter's employment would not affect her ability to render a fair and impartial verdict in this case. Thus, her removal from the jury was not warranted (*see* CPL 270.20; *People v Colon*, 71 NY2d 410, 418-419, *cert denied*

487 US 1239; *People v Provenzano*, 50 NY2d 420; *People v Whittington*, 267 AD2d 486; *People v Horne*, 203 AD2d 482; *People v Dunkley*, 189 AD2d 776).

PRUDENTI, P.J., SANTUCCI, COVELLO 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, sweeping initial "J".

James Edward Pelzer
Clerk of the Court