

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

D17295  
O/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - November 1, 2007

STEPHEN G. CRANE, J.P.  
STEVEN W. FISHER  
EDWARD D. CARNI  
WILLIAM E. McCARTHY, JJ.

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2005-05115

DECISION & ORDER

The People, etc., respondent,  
v Vernon Reynolds, appellant.

(Ind. No. 5520/03)

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Lynn W. L. Fahey, New York, N.Y. (De Nice Powell of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Howard B. Goodman of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Lott, J.), rendered May 17, 2005, convicting him of murder in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant failed to preserve for appellate review his contentions that he was deprived of his rights to a fair trial and to confront witnesses when the trial court permitted a police witness to testify to events leading up to his arrest (*see* CPL 470.05[2]; *People v Sealy*, 35 AD3d 510, 510-511; *People v Maldonado*, 21 AD3d 430, 431). In any event, the testimony that anonymous informants provided the police with sufficient information from which the police identified the defendant as a suspect was not improperly admitted for the truth of the matter asserted, but rather, was admitted to complete the narrative and explain how the police determined the defendant was a suspect and the actions they took to locate him (*see People v Monroe*, 216 AD2d 494). Thus, the challenged testimony did not violate the defendant's right to confront witnesses (*see People v Reynoso*, 2 NY3d 820, 821; *People v Ruis*, 11 AD3d 714, 714-715). Further, the trial court did not err in permitting the police witness to testify to a prior photo identification of the defendant (*see*

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*People v Melendez*, 55 NY2d 445, 451; *People v Francis*, 123 AD2d 714). To the extent that it was error to allow the police witness to testify that the defendant was identified in a lineup and thereafter arrested (see *People v Samuels*, 22 AD3d 507, 509; *People v Fields*, 309 AD2d 945), any error was harmless, as there was overwhelming evidence of the defendant's guilt, and no significant probability that the error contributed to his conviction (see *People v Johnson*, 57 NY2d 969, 970; *People v Crimmins*, 36 NY2d 230, 241-242; *People v Sealy*, 35 AD3d at 511; accord *People v Holt*, 67 NY2d 819, 821).

Viewing the defense counsel's conduct in its entirety, the defendant was not deprived of the effective assistance of counsel (see *People v Benevento* 91 NY2d 708; *People v Baldi*, 54 NY2d 137; *People v Hyatt*, 2 AD3d 749; *People v Bradford*, 202 AD2d 441; *People v Finch*, 199 AD2d 278).

CRANE, J.P., FISHER, CARNI and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court