

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

D17447  
W/kmg

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

Submitted - November 30, 2007

WILLIAM F. MASTRO, J.P.  
JOSEPH COVELLO  
DANIEL D. ANGIOLILLO  
EDWARD D. CARNI, JJ.

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2003-05289

DECISION & ORDER

The People, etc., respondent,  
v James Williams, appellant.

(Ind. No. 970/74)

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Lynn W. L. Fahey, New York, N.Y. (Warren S. Landau of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Ruth E. Ross of counsel), for respondent.

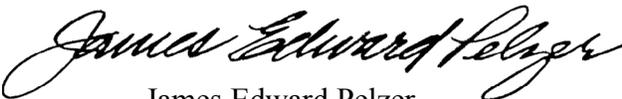
Appeal by the defendant from an order of the Supreme Court, Kings County (Silverman, J.), entered April 28, 2003, which, without a hearing, inter alia, denied his motion pursuant to CPL 440.30(1-a) for forensic DNA testing of certain evidence recovered by the police.

ORDERED that the order is affirmed.

The Supreme Court properly denied the defendant's motion pursuant to CPL 440.30(1-a) for DNA testing of evidence. The defendant failed to allege any facts demonstrating that, if DNA test results had been admitted at the trial resulting in the judgment, there exists a reasonable probability that the verdict would have been more favorable to him (*see People v West*, 41 AD3d 884; *People v Simpson*, 35 AD3d 901; *People v Mixon*, 30 AD3d 1103).

MASTRO, J.P., COVELLO, ANGIOLILLO and CARNI, JJ., concur.

ENTER:



James Edward Pelzer

January 8, 2008

PEOPLE v WILLIAMS, JAMES

Clerk of the Court

January 8, 2008

PEOPLE v WILLIAMS, JAMES