

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

D17845
G/kmg

_____AD3d_____

Submitted - December 20, 2007

STEVEN P. FISHER, J.P.
ROBERT A. LIFSON
JOSEPH COVELLO
WILLIAM E. McCARTHY, JJ.

2005-01462

DECISION & ORDER

The People, etc., respondent,
v Leonard Ludwigsen, appellant.

(Ind. No. 6440/03)

Lynn W. L. Fahey, New York, N.Y. (Jonathan M. Kratter of counsel), for appellant,
and appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Shulamit
Rosenblum, and Flora Tartakovsky of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County
(Tomei, J.), rendered January 19, 2005, convicting him of murder in the second degree, upon a jury
verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the jury's rejection of his extreme emotional
disturbance defense was against the weight of the evidence is without merit (*see* Penal Law §
125.25[1][a]; *People v Azaz*, 41 AD3d 610). Even had the jury found that the defendant was acting
under the influence of extreme emotional disturbance at the time of the murder, it was entitled to
reject his proffered excuse for this emotional state as unreasonable and not warranting mitigation (*see*
People v Yong Ho Han, 200 AD2d 780).

The defendant's remaining contentions, raised in his supplemental pro se brief, are without merit.

FISHER, J.P., LIFSON, COVELLO and McCARTHY, 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