

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

D18171
G/hu

_____AD3d_____

Argued - January 31, 2008

REINALDO E. RIVERA, J.P.
HOWARD MILLER
MARK C. DILLON
ARIEL E. BELEN, JJ.

2006-05451

DECISION & ORDER

The People, etc., respondent,
v Curtis Branch, appellant.

(Ind. No. 2228/05)

Steven Banks, New York, N.Y. (Amy Donner of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Sholom J. Twersky of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Gary, J.), rendered March 24, 2006, convicting him of criminal sale of a controlled substance in the third degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court properly excluded his sister's fiancé from the courtroom during the undercover officer's testimony. Once the prosecution met its burden of showing that closure of the courtroom to the general public was required in order to protect the safety of the undercover officer, the burden shifted to the defendant to show that his sister's fiancé was "linked to him by some tie of more significance than ordinary friendship" (*People v Nazario*, 4 NY3d 70, 74; *see People v Sweeney*, 25 AD3d 335, 336). The defendant failed to meet this burden.

RIVERA, J.P., MILLER, DILLON and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 26, 2008

PEOPLE v BRANCH, CURTIS