

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

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_____AD3d_____

Submitted - January 29, 2008

ROBERT A. LIFSON, J.P.
DAVID S. RITTER
ANITA R. FLORIO
EDWARD D. CARNI, JJ.

2006-07736

DECISION & ORDER

The People, etc., respondent,
v John Pilgrim, appellant.

(Ind. No. 2327/05)

Andrew E. MacAskill, Rockville Centre, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Magaret A. Mainusch and
Cristin N. Connell of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Nassau County (Sullivan, J.), rendered August 10, 2006, convicting him of criminal sale of a controlled substance in the third degree (three counts) and criminal possession of a controlled substance in the third degree (three counts), upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's claim that the County Court should have dismissed the indictment pursuant to CPL 210.20(1)(h) is unpreserved for appellate review because he failed to move for such relief in the County Court (*see* CPL 470.05[2]; *People v Garcia*, 33 AD3d 1050; *see also* *People v Gathers*, 280 AD2d 554). Upon the exercise of our factual review power (*see* CPL 470.15[5]), we are satisfied that the verdict of guilt was not against the weight of the evidence (*see* *People v Romero*, 7 NY3d 633).

LIFSON, J.P., RITTER, FLORIO and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 4, 2008

PEOPLE v PILGRIM, JOHN