

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

D18257  
C/kmg

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

Argued - January 28, 2008

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
DANIEL D. ANGIOLILLO  
RUTH C. BALKIN, JJ.

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2004-05628

DECISION & ORDER

The People, etc., respondent,  
v Julie Herrnkind, appellant.

(Ind. No. 245/01)

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Lynn W. L. Fahey, New York, N.Y. (John Gemmill of counsel), for appellant.

Daniel M. Donovan, Jr., District Attorney, Staten Island, N.Y. (Morrie I. Kleinbart and Anne Grady of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Richmond County (Rooney, J.), rendered June 29, 2004, convicting her of manslaughter in the first degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Viewing the evidence in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620, 621; *People v Conway*, 6 NY3d 869, 872), we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt. Moreover, 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; *People v Bleakley*, 69 NY2d 490, 495).

The Supreme Court providently exercised its discretion in denying the defendant's application for the appointment, pursuant to County Law § 722-c, of a purported expert in the area of coerced, false confessions, since the defendant failed to establish that the expert's proposed testimony was necessary or relevant to a significant issue at trial (*see People v Cronin*, 60 NY2d 430,

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433; *People v Casione*, 40 AD3d 528, 529, *lv denied* 9 NY3d 990; *People v Oquendo*, 250 AD2d 419; *cf. Ake v Oklahoma*, 470 US 68, 74).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

The defendant's remaining contention is without merit.

SPOLZINO, J.P., SANTUCCI, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court