

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

D18342
O/kmg

_____AD3d_____

Submitted - February 1, 2008

PETER B. SKELOS, J.P.
STEVEN W. FISHER
JOSEPH COVELLO
RANDALL T. ENG, JJ.

2004-08534

DECISION & ORDER

The People, etc., respondent,
v Eugene Waymea, appellant.

(Ind. No. 5628/03)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Jodi L. Mandel, and Nicola R. Pilz of counsel), for respondent.

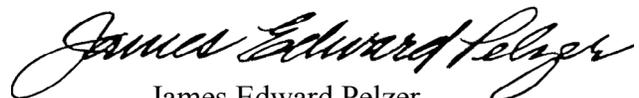
Appeal by the defendant from a judgment of the Supreme Court, Kings County (Hall, J.), rendered September 20, 2004, convicting him of burglary in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

To the extent any of the prosecutor's summation remarks were improper, any error was harmless (*see People v Crimmins*, 36 NY2d 230, 237; *People v Almonte*, 23 AD3d 392, 394).

SKELOS, J.P., FISHER, COVELLO and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 11, 2008

PEOPLE v WAYMEA, EUGENE