

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

D18368
C/hu

_____AD3d_____

Argued - February 14, 2008

STEVEN W. FISHER, J.P.
MARK C. DILLON
WILLIAM E. McCARTHY
ARIEL E. BELEN, JJ.

2006-03810

DECISION & ORDER

The People, etc., respondent,
v Jared Davis, appellant.

(Ind. No. 1226/05)

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

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Johnnette Traill, and Aisha S. Greene of counsel), for respondent.

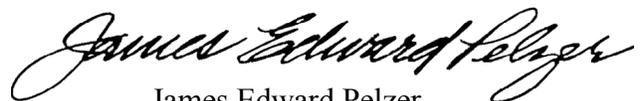
Appeal by the defendant from a judgment of the Supreme Court, Queens County (Hollie, J.), rendered March 7, 2006, convicting him of robbery in the first degree and criminal possession of a weapon in the fourth degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The trial court did not err in finding that the complainant's statements on a recording of his telephone call to the 911 emergency number were excited utterances and therefore admissible (*see People v Johnson*, 1 NY3d 302, 306; *People v Gantt*, _____AD3d_____, 2007 NY Slip Op 10508 [1st Dept 2007]; *People v Blackman*, 13 AD3d 640, 641; *People v Prashad*, 297 AD2d 352; *cf. People v Carroll*, 95 NY2d 375, 385; *People v Vasquez*, 88 NY2d 561, 579).

FISHER, J.P., DILLON, McCARTHY and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 25, 2008

PEOPLE v DAVIS, JARED