

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

D18905
C/prt

_____AD3d_____

Submitted - March 7, 2008

ROBERT A. LIFSON, J.P.
ANITA R. FLORIO
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2005-10926

DECISION & ORDER

The People, etc., respondent,
v Jamien K. Medina, appellant.

(Ind. No. 2293-04)

Robert C. Mitchell, Riverhead, N.Y. (Alfred J. Cicale of counsel), for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Guy Arcidiacono of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Weber, J.), rendered November 1, 2005, convicting him of robbery in the second degree and petit larceny, after a nonjury trial, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the evidence was legally insufficient to support his convictions is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Finger*, 95 NY2d 894; *People v Cortes*, 44 AD3d 1068, *lv denied* 10 NY3d 763). In any event, viewing the evidence in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620, 621), we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt (*see People v Hepp*, 40 AD3d 880). Moreover, upon the exercise of our factual review power, we are satisfied that the verdict was not against the weight of the evidence (*see People v Romero*, 7 NY3d 633, 644-645; *People v Mateo*, 2 NY3d 383, 410, *cert denied* 542 US 946). Finally, the defendant's contention that

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the verdict was repugnant is unpreserved for appellate review and, in any event, is without merit (*see People v Alfaro*, 66 NY2d 985; *People v Walker*, 175 AD2d 146).

LIFSON, J.P., FLORIO, ENG and CHAMBERS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court