

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

D19633  
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Argued - May 19, 2008

WILLIAM F. MASTRO, J.P.  
PETER B. SKELOS  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

2007-00194

DECISION & ORDER

The People, etc., respondent,  
v Desmond Laverpool, appellant.

(Ind. No. 3374/05)

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Lynn W. L. Fahey, New York, N.Y. (Erin R. Collins of counsel), for appellant.

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

Appeal by the defendant from a judgment of the Supreme Court, Kings County (D’Emic, J.), rendered December 6, 2006, convicting him of criminal contempt in the first degree (three counts), upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the trial court properly permitted the prosecution to introduce evidence of his prior acts of domestic abuse and threats against the complainant. This evidence was properly admitted as relevant background material to enable the jury to understand the defendant's relationship with the complainant and explain the issuance of an order of protection, and as evidence of the defendant's motive and intent in the commission of the charged crimes (*see People v Molineux*, 168 NY 264; *People v Hanson*, 30 AD3d 537; *People v Howe*, 292 AD2d 542; *People v Shorey*, 172 AD2d 634). Moreover, the Supreme Court’s limiting instructions were sufficient to alleviate any prejudice (*see People v Berg*, 59 NY2d 294; *People v Martin*, 41 AD3d 616; *People v Lawrence*, 297 AD2d 290).

June 10, 2008

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The defendant's contention that the prosecutor violated the *Molineux* ruling (*see People v Molineux*, 168 NY 264) is unpreserved for appellate review (*see People v Ingram*, 258 AD2d 533).

MASTRO, J.P., SKELOS, BALKIN and LEVENTHAL, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court