

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

D19692  
W/hu

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

Argued - April 18, 2008

PETER B. SKELOS, J.P.  
FRED T. SANTUCCI  
RUTH C. BALKIN  
CHERYL E. CHAMBERS, JJ.

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2006-09940

DECISION & ORDER

The People, etc., respondent,  
v Wilky Forest, appellant.

(Ind. No. 3000/05)

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

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

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Guzman, J.), rendered October 5, 2006, convicting him of sexual abuse in the first degree, criminal possession of a weapon in the fourth degree, menacing in the second degree, and criminal contempt in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's arguments regarding alleged improper summation remarks are unpreserved for appellate review (*see* CPL 470.05[2]; *People v Jackson*, 41 AD3d 498, 499, *lv denied* 9 NY3d 876; *People v Hines*, 18 AD3d 882, 883-884; *People v Morris*, 2 AD3d 652, 653). In any event, the challenged remarks constituted fair comment on, or reasonable inferences drawn from, the evidence, or were harmless (*see People v Johnson*, 3 AD3d 581, 582; *People v Adamo*, 309 AD2d 808, 809-810; *cf. People v Ashwal*, 39 NY2d 105, 109-110).

SKELOS, J.P., SANTUCCI, BALKIN and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 17, 2008

PEOPLE v FOREST, WILKY