

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

D19956  
W/prt

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

Submitted - May 2, 2008

WILLIAM F. MASTRO, J.P.  
ROBERT A. SPOLZINO  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

2006-05720

DECISION & ORDER

The People, etc., respondent,  
v Robert J. Doyle, appellant.

(Ind. No. 05-00352)

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James D. Licata, New City, N.Y. (Lois Cappelletti of counsel), for appellant.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Vered Adoni of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Rockland County (Bartlett, J.), rendered May 15, 2006, convicting him of criminal mischief in the third degree, after a nonjury trial, and imposing sentence.

ORDERED that the judgment is affirmed.

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 Penal Law § 145.05; People v Garcia*, 29 AD3d 255, 263). Moreover, upon the exercise of our factual review power (*see CPL 470.15[5]*), we are satisfied that the verdict of guilt was not against the weight of the evidence (*see People v Romero*, 7 NY3d 633; *People v Wallender*, 27 AD3d 955, 957-958; *People v Gianni*, 303 AD2d 1012; *People v Hall*, 272 AD2d 412).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80, 86).

July 15, 2008

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The defendant's remaining contentions are without merit.

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

ENTER:

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

James Edward Pelzer  
Clerk of the Court