

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

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Submitted - September 25, 2008

WILLIAM F. MASTRO, J.P.  
DANIEL D. ANGIOLILLO  
EDWARD D. CARNI  
RANDALL T. ENG, JJ.

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2005-11291

The People, etc., respondent,  
v Michael D. Wesley, appellant.

DECISION & ORDER

(Ind. No. 1395/02)

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Lynn W. L. Fahey, New York, N.Y. (Tonya Plank of counsel), for appellant, and appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Ellen C. Abbot, Suzanne H. Sullivan, and Zachary R. Hafer of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (McGann, J.), rendered November 15, 2005, convicting him of criminal possession of a weapon in the third degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the evidence was legally insufficient to support his conviction of criminal possession of a weapon in the third degree is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Gray*, 86 NY2d 10, 19). 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 Gill*, 289 AD2d 340)

Contrary to the defendant's contention, he was not denied the effective assistance of counsel (*see People v Henry*, 95 NY2d 563, 565, *cert denied* 547 US 1040; *People v Flores*, 84 NY2d 184, 187, *cert denied* 531 US 1029).

October 14, 2008

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The defendant's contention, raised in his supplemental pro se brief, that he was denied access to a law library during his trial, is based on matter dehors the record and is thus not reviewable on direct appeal. The defendant's contention that the trial court improperly limited his cross-examination of a police witness is unpreserved for appellate review and, in any event, is without merit.

The defendant's remaining contentions are without merit.

MASTRO, J.P., ANGIOLILLO, CARNI and ENG, 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