

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

D20706  
C/hu

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Argued - September 23, 2008

ROBERT A. LIFSON, J.P.  
DAVID S. RITTER  
HOWARD MILLER  
RUTH C. BALKIN, JJ.

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2006-10949

DECISION & ORDER

The People, etc., respondent,  
v David Cardoza, appellant.

(Ind. No. 179/06)

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Lynn W. L. Fahey (David Greenberg and Chadbourne & Parke LLP, New York, N.Y. [Thomas E. Butler], of counsel; Jason Park on the brief), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Jeanette Lifschitz, and Muhammad Ikhlās of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Aloise, J.), rendered November 27, 2006, convicting him of burglary in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the prosecutor improperly suggested, during summation, that the jury would have to find that the People's witness lied in order to acquit him (*see People v Daley*, 292 AD2d 630, 631; *People v Bull*, 218 AD2d 663; *People v Langford*, 153 AD2d 908), was not preserved for appellate review, as he either failed to object to remarks he now contests or made only general objections (*see* CPL 470.05[2]; *People v Romero*, 7 NY3d 911; *People v Small*, 45 AD3d 705). In any event, the evidence of the defendant's guilt, without reference to the alleged error, was overwhelming, and there is no reasonable possibility that the alleged error might have

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contributed to the defendant's conviction. Thus, any error was harmless beyond a reasonable doubt (see *People v Crimmins*, 36 NY2d 230, 237; *People v Daley*, 292 AD2d 630).

LIFSON, J.P., RITTER, MILLER and BALKIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, stylized initial "J".

James Edward Pelzer  
Clerk of the Court