

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

D20955
G/hu

_____AD3d_____

Argued - October 14, 2008

PETER B. SKELOS, J.P.
DAVID S. RITTER
EDWARD D. CARNI
THOMAS A. DICKERSON, JJ.

2007-02494

DECISION & ORDER

The People, etc., respondent,
v Ryan Billy, appellant.

(Ind. No. 9608/05)

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 and Keith Dolan of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Tomei, J.), rendered February 7, 2007, convicting him of robbery in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant was convicted of robbery in the second degree arising from a gunpoint robbery of a livery cab driver. We affirm.

The defendant failed to preserve for appellate review his contention that a remark made by the trial court and remarks made by the prosecutor during summation constituted reversible error (*see* CPL 470.05[2]; *People v Patten*, 43 AD3d 964; *People v Paixao*, 23 AD3d 677; *People v Siriani*, 27 AD3d 670). Similarly, the defendant failed to preserve for appellate review his contention that he should have been afforded youthful offender treatment (*see* CPL 470.05[2]; *People v Warde*, 45 AD3d 879; *People v Cox*, 4 AD3d 481).

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Finally, the defendant was not denied the effective assistance of counsel (*see People v Baldi*, 54 NY2d 137; *People v Huffman*, 47 AD3d 646).

SKELOS, J.P., RITTER, CARNI and DICKERSON, 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

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