

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

D21087
O/kmg

_____AD3d_____

Argued - October 24, 2008

FRED T. SANTUCCI, J.P.
JOSEPH COVELLO
JOHN M. LEVENTHAL
ARIEL E. BELEN, JJ.

2006-05313

DECISION & ORDER

The People, etc., respondent,
v Darrell Bossett, appellant.

(Ind. No. 3165/02)

Judah Maltz, Kew Gardens, N.Y. for appellant, and appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,
Nicoletta J. Caferra, and Kristina Sapaskis of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Latella, J.), rendered November 10, 2004, convicting him of robbery in the first degree (six counts), robbery in the second degree (six counts), criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree (two counts), and criminal possession of stolen property in the fifth degree (four counts), upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention regarding the showup identification is unpreserved for appellate review, and we decline to reach it in the exercise of our interest of justice jurisdiction.

Contrary to the defendant's contention, the People laid a proper foundation at trial for a police officer's testimony regarding the showup identification (*see* CPL 60.25; *People v Quevas*, 81 NY2d 41, 45; *People v Bayron*, 66 NY2d 77, 81).

November 18, 2008

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The defendant's remaining contentions raised in his supplemental pro se brief either are without merit or do not warrant reversal (*see People v Bossett*, 45 AD3d 693, 694-695).

SANTUCCI, J.P., COVELLO, LEVENTHAL and BELEN, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court