

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

D21322  
Y/prt

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

Submitted - November 7, 2008

ROBERT A. SPOLZINO, J.P.  
JOSEPH COVELLO  
DANIEL D. ANGIOLILLO  
CHERYL E. CHAMBERS, JJ.

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2006-10326

DECISION & ORDER

The People, etc., respondent,  
v Derrick Hatcher, appellant.

(Ind. No. 9143/05)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Shulamit Rosenblum Nemece, and Judith C. Aarons of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Heffernan, J.), rendered November 8, 2006, convicting him of attempted robbery in the first degree and criminal possession of a weapon in the fourth degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant failed to preserve for appellate review his challenges to the court's charge to the jury, as he did not object to the charge (*see* CPL 470.05[2]; *People v Williams*, 38 AD3d 925, 926; *People v Edwards*, 292 AD2d 393, 394). In any event, the court's charge, when read as a whole, fairly instructed the jury on the principles of law to be applied to the case (*see People v Ferraro*, 49 AD3d 550, 551).

The defendant's challenge to the legal sufficiency of the evidence is also unpreserved for appellate review, as he made only a general motion to dismiss the indictment and did not elaborate with specific facts or grounds the basis for dismissal (*see* CPL 470.05[2]; *People v Gray*, 86 NY2d 10, 20). 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

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beyond a reasonable doubt. Moreover, upon our independent review pursuant to 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, 644-645).

SPOLZINO, J.P., COVELLO, ANGIOLILLO and CHAMBERS, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court