

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

D21393
C/hu

_____AD3d_____

Argued - November 14, 2008

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
RANDALL T. ENG
CHERYL E. CHAMBERS, JJ.

2005-06357

DECISION & ORDER

The People, etc., respondent,
v Anthony Ryans, appellant.

(Ind. No. 1060-04)

Leonard J. Levenson, New York, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Michael J. Miller of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Hinrichs, J.), rendered May 19, 2005, convicting him of murder in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the record demonstrates that he received the effective assistance of trial counsel (*see People v Baldi*, 54 NY2d 137; *People v Myers*, 220 AD2d 461). Defense counsel's trial strategy apparently was to secure his acquittal of murder in the first degree, which strategy was successful.

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

The defendant's remaining contention is without merit.

MASTRO, J.P., FLORIO, ENG and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 9, 2008

PEOPLE v RYANS, ANTHONY