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

D21506
O/prt

_____AD3d_____ Submitted - November 21, 2008

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
MARK C. DILLON
JOSEPH COVELLO, JJ.

2006-10066 DECISION & ORDER

The People, etc., respondent,
v Dario Gould, appellant.

(Ind. No. 1154/05)

Lynn W. L. Fahey, New York, N.Y. (John Gemmill of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Nicoletta J. Caferri, and Daniel Bresnahan of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Roman, J.), rendered October 23, 2006, convicting him of robbery in the second degree, attempted robbery in the second degree, grand larceny in the fourth degree, and criminal possession of stolen property in the fifth degree (two counts), upon a jury verdict, and imposing sentence.

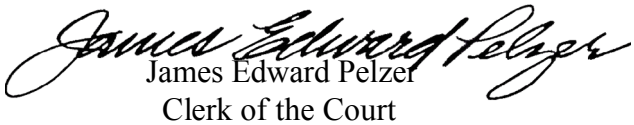
ORDERED that the judgment is affirmed.

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 beyond a reasonable doubt (*see People v Biggs,* 52 AD3d 620; *People v Carr-El,* 287 AD2d 731, 733, *affd* 99 NY2d 546; *People v Cousins,* 221 AD2d 923; *People v Dennis,* 88 AD2d 963). Moreover, in fulfilling our responsibility to conduct an independent review of the weight of the evidence (*see* CPL 470.15[5]; *People v Danielson,* 9 NY3d 342), we nevertheless accord great deference to the jury's opportunity to view the witnesses, hear the testimony, and observe demeanor (*see People v Mateo,* 2 NY3d 383, 410, *cert denied* 542 US 946; *People v Bleakley,* 69 NY2d 490,

495). Upon reviewing the record here, we are satisfied that the verdict of guilt was not against the weight of the evidence (*see People v Romero,* 7 NY3d 633).

SKELOS, J.P., SANTUCCI, DILLON and COVELLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court