

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

D21611
Y/hu

_____AD3d_____

Argued - December 2, 2008

WILLIAM F. MASTRO, J.P.
STEVEN W. FISHER
HOWARD MILLER
EDWARD D. CARNI, JJ.

2006-11847

DECISION & ORDER

The People, etc., respondent,
v Teddy Raiford, appellant.

(Ind. No. 2280/05)

Lynn W. L. Fahey, New York, N.Y., and Chadbourne & Parke, LLP, New York, N.Y. (Thomas E. Butler and Ellen A. Black of counsel), for appellant (one brief filed).

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Ellen C. Abbot, and Ian P. McGinley of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Wong, J.), rendered December 12, 2006, convicting him of burglary in the second degree, petit larceny, and criminal possession of stolen property in the fifth degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant argues that the jury verdict finding him guilty of burglary in the second degree was against the weight of the evidence because the testimony of the People's witnesses was not credible. In fulfilling our responsibility to conduct an independent review of the weight of the evidence (*see* CPL 470.15[5]; *People v Danielson*, 9 NY2d 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, 644).

The sentence imposed was not excessive (*see People v Moore*, 177 AD2d 653;

December 30, 2008

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People v Burton, 150 AD2d 788).

MASTRO, J.P., FISHER, MILLER and CARNI, 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