

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

D22068  
W/kmg

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

Argued - January 13, 2009

REINALDO E. RIVERA, J.P.  
HOWARD MILLER  
EDWARD D. CARNI  
WILLIAM E. McCARTHY, JJ.

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2006-11736

DECISION & ORDER

The People, etc., respondent,  
v Kenneth Brown, appellant.

(Ind. No. 5626/05)

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Steven Banks, New York, N.Y. (Natalie Rea of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Keith Dolan of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Marrus, J.), rendered December 7, 2006, convicting him of murder in the second degree and burglary in the first degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, he received the effective assistance of counsel (*see Strickland v Washington*, 466 US 668; *People v Benevento*, 91 NY2d 708, 713-714; *People v Baldi*, 54 NY2d 137, 146-147).

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

RIVERA, J.P., MILLER, CARNI and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

February 10, 2009

PEOPLE v BROWN, KENNETH