

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

D22125

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Submitted - January 12, 2009

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
RUTH C. BALKIN  
CHERYL E. CHAMBERS, JJ.

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2005-07500

DECISION & ORDER

The People, etc., respondent,  
v Terry Street, appellant.

(Ind. No. 04-464)

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William J. Reddy, New City, N.Y., for appellant.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Itamar Yeger and Robert H. Trudell of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Rockland County (Resnick, J.), rendered July 26, 2005, convicting him of grand larceny in the fourth degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The County Court providently exercised its discretion in denying the defendant's request for an adjournment to retain new counsel, made on the day of trial (*see People v Linares*, 2 NY3d 507; *People v Davis*, 299 AD2d 420, 421; *People v Gloster*, 175 AD2d 258, 259-260).

Viewing the evidence in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620), we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt (*see People v Hepp*, 40 AD3d 880, 881). 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).

SPOLZINO, J.P., SANTUCCI, BALKIN and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

February 24, 2009

PEOPLE v STREET, TERRY