

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

D22137
Y/kmg

_____AD3d_____

Submitted - December 12, 2008

ANITA R. FLORIO, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2006-05544

DECISION & ORDER

The People, etc., respondent,
v William Daniels, appellant.

(Ind. No. 1484/03)

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,
Johnnette Traill, and Ushir Pandit of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Blumenfeld, J.), rendered May 18, 2006, convicting him of manslaughter in the first degree and criminal possession of a weapon in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The trial court did not err in discharging a sworn juror over the defendant's objection. The record demonstrates that the court properly engaged in a thorough and searching inquiry of the juror (*see People v Dukes*, 8 NY3d 952) and correctly discharged her as being "grossly unqualified" (CPL 270.35[1]) based upon the juror's statement that financial concerns would prevent her from giving her undivided attention to the case (*see People v Thomas*, 13 AD3d 259; *People v Cook*, 275 AD2d 1020; *People v Huntley*, 237 AD2d 533; *People v Bolden*, 197 AD2d 528).

FLORIO, J.P., COVELLO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:


James Edward Pelzer

February 24, 2009

PEOPLE v DANIELS, WILLIAM

Clerk of the Court

February 24, 2009

PEOPLE v DANIELS, WILLIAM