

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

D22214  
C/kmg

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

Submitted - January 15, 2009

A. GAIL PRUDENTI, P.J.  
MARK C. DILLON  
JOSEPH COVELLO  
JOHN M. LEVENTHAL, JJ.

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2007-01954

DECISION & ORDER

The People, etc., respondent,  
v Derek Sloane, appellant.

(Ind. No. 06-00658)

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John P. Savoca, White Plains, N.Y., for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Lois Cullen Valerio, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Cacace, J.), rendered February 14, 2007, convicting him of criminal possession of stolen property in the third degree and unauthorized use of a motor vehicle in the second degree, after a nonjury trial, and imposing sentence.

ORDERED that the judgment is affirmed.

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 opportunity of the trier of fact 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).

The defendant's claim of ineffective assistance of counsel is based on matter dehors the record and, therefore, cannot be reviewed on direct appeal (*see People v LeGrady*, 50 AD3d 1059; *People v Shemack*, 46 AD3d 582).

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The sentence imposed was not excessive (*see People v Hobson*, 43 AD3d 1179; *People v Suitte*, 90 AD2d 80).

PRUDENTI, P.J., DILLON, COVELLO and LEVENTHAL, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court