

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

D22346
G/kmg

_____AD3d_____

Submitted - February 6, 2009

REINALDO E. RIVERA, J.P.
ANITA R. FLORIO
THOMAS A. DICKERSON
CHERYL E. CHAMBERS, JJ.

2007-05805

DECISION & ORDER

The People, etc., respondent,
v Hector Corona, appellant.

(Ind. No. 56258/06)

Lynn W. L. Fahey, New York, N.Y. (Anna Pervukhin of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,
Jeanette Lifschitz, and Jennifer S. Michael of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Gerald, J.), rendered June 5, 2007, convicting him of attempted criminal contempt in the second degree and harassment in the second degree, after a nonjury trial, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the evidence was legally insufficient to establish his guilt of attempted criminal contempt in the second degree is unpreserved for appellate review. The defendant did not specify the ground upon which he now relies in his motion to dismiss at trial (*see* CPL 470.05[2]; *People v Hawkins*, 11 NY3d 484; *People v Caldwell*, 54 AD3d 1053, *lv denied* 11 NY3d 923). In any event, viewing the evidence in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620, 621) we find that it was legally sufficient to establish the defendant's guilt of attempted criminal contempt in the second degree beyond a reasonable doubt.

Upon our independent review pursuant to CPL 470.15(5), we are satisfied that the

March 10, 2009

Page 1.

PEOPLE v CORONA, HECTOR

verdict of guilt was not against the weight of the evidence (*see People v Romero*, 7 NY3d 633).

RIVERA, J.P., FLORIO, DICKERSON and CHAMBERS, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court