

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

D22719
O/hu

_____AD3d_____

Submitted - February 20, 2009

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
THOMAS A. DICKERSON
JOHN M. LEVENTHAL, JJ.

2007-03249

DECISION & ORDER

The People, etc., respondent,
v Colin Roach, appellant.

(Ind. No. 7208/06)

Kent V. Moston, Hempstead, N.Y. (Jeremy L. Goldberg and Dori Cohen of counsel),
for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Judith Sternberg and Barbara
Kornblau of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County
(Sher, J.), rendered February 22, 2007, convicting him of harassment in the second degree, after a
nonjury trial, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the trial court improperly permitted the People to
introduce evidence of his prior abusive conduct toward the complainant is without merit. The court
properly admitted such evidence as it provided necessary background information and explained the
nature of the relationship between the defendant and the complainant (*see People v Valath*, 56 AD3d
578; *People v Demchenko*, 259 AD2d 304, 304; *People v Shorey*, 172 AD2d 634, 635).

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 trial court's opportunity to view the witnesses, hear the testimony, and observe
demeanor (*see People v Mateo*, 2 NY3d 383, 410; *People v Bleakley*, 69 NY2d 490, 495). Upon

April 7, 2009

Page 1.

PEOPLE v ROACH, COLIN

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 remaining contentions are unpreserved for appellate review.

MASTRO, J.P., RIVERA, DICKERSON and LEVENTHAL, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court