

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

D23381
C/kmg

_____AD3d_____

Argued - March 16, 2009

REINALDO E. RIVERA, J.P.
ROBERT A. SPOLZINO
DANIEL D. ANGIOLILLO
RUTH C. BALKIN, JJ.

2006-07074

DECISION & ORDER

The People, etc., respondent,
v James Davis, appellant.

(Ind. No. 1925/04)

Steven Banks, New York, N.Y. (Susan Epstein of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Thomas M. Ross, and Maria Park of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Reichbach, J.), rendered June 6, 2006, convicting him of murder in the second degree and criminal possession of a weapon in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, he was not denied meaningful representation (*see People v Caban*, 5 NY3d 143, 152; *People v Henry*, 95 NY2d 563, 565; *People v Benevento*, 91 NY2d 708, 714). The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80, 85).

The defendant's remaining contentions are unpreserved for appellate review.

RIVERA, J.P., SPOLZINO, ANGIOLILLO and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 2, 2009

PEOPLE v DAVIS, JAMES