

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

D23972
W/kmg

_____AD3d_____

Argued - January 26, 2009

ROBERT A. SPOLZINO, J.P.
FRED T. SANTUCCI
DANIEL D. ANGIOLILLO
RANDALL T. ENG, JJ.

2006-07791

DECISION & ORDER

The People, etc., respondent,
v Askias Williams, appellant.

(Ind. No. 2208/05)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Rhea A. Grob of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Konviser, J.), rendered August 8, 2006, convicting him of robbery in the first degree, robbery in the second degree, grand larceny in the fourth degree, and criminal impersonation in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the testimony of a police detective impermissibly bolstered the complainant's identification testimony is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Tavaréz*, 55 AD3d 932), and we decline to review the issue in the exercise of our interest of justice jurisdiction (*see* CPL 470.15.[3][c]; *People v Staine*, 48 AD3d 489; *People v Smith*, 48 AD3d 489; *People v Fagan*, 31 AD3d 783).

Furthermore, the defendant was not denied the effective assistance of counsel (*see*

August 25, 2009

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People v Taylor, 1 NY3d 174, 176; *People v Benevento*, 91 NY2d 708, 713; *People v Smith*, 48 AD3d 489).

SPOLZINO, J.P., SANTUCCI, ANGIOLILLO and ENG, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court