

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

D25065  
C/prt

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

Argued - October 27, 2009

MARK C. DILLON, J.P.  
ANITA R. FLORIO  
RUTH C. BALKIN  
JOHN M. LEVENTHAL, JJ.

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2008-10745

DECISION & ORDER

The People, etc., respondent,  
v William J. Haughey, appellant.

(Ind. No. 21/07)

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Paul J. Connolly, Delmar, N.Y., for appellant.

Adam B. Levy, District Attorney, Carmel, N.Y. (Mary Jane MacCrae of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Putnam County (Rooney, J.), rendered April 16, 2008, convicting him of arson in the second degree and criminal mischief in the fourth degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's challenge to the legal sufficiency of the evidence is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Hawkins*, 11 NY3d 484, 492-493; *People v Finger*, 95 NY2d 894, 895). In any event, viewing the evidence in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620), we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt (*see People v Skinner*, 162 AD2d 480). Moreover, 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 jury's opportunity 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).

November 17, 2009

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The defendant's contention regarding any error in the admission of certain testimony of the fire investigator was not preserved for appellate review and, in any event, does not require reversal (*see People v Goldberg*, 215 AD2d 402; *People v Maldonado*, 157 AD2d 674).

The defendant was not denied the effective assistance of counsel (*see People v Benevento*, 91 NY2d 708).

The County Court properly denied, without a hearing, the defendant's motion to set aside the verdict pursuant to CPL 330.30(2), based upon alleged juror misconduct (*see People v Maragh*, 94 NY2d 569; *People v South*, 47 AD3d 734).

DILLON, J.P., FLORIO, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court