

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

D25239
G/kmg

_____AD3d_____

Submitted - November 6, 2009

PETER B. SKELOS, J.P.
RANDALL T. ENG
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS, JJ.

2006-01597

DECISION & ORDER

The People, etc., respondent,
v Clarence D. Ruffin, appellant.

(Ind. No. 05-00099)

Clarence D. Ruffin, Cape Vincent, N.Y., appellant pro se.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Elizabeth L. Guinup and Andrew R. Kass of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (Rosenwasser, J.), rendered January 13, 2006, convicting him of attempted burglary in the second degree, criminal mischief in the fourth degree, resisting arrest, and obstructing government administration, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, he was provided with sufficient notice of the grand jury proceedings (*see People v Sawyer*, 96 NY2d 815, 816; *People v Merriman*, 45 AD3d 700). Thereafter, the defendant failed to provide written notice of his intention to testify (*see CPL 190.50[5][a]*; *People v Anderson*, 192 AD2d 714). Accordingly, the County Court properly denied that branch of the defendant's omnibus motion which was to dismiss the indictment pursuant to CPL 190.50.

December 8, 2009

Page 1.

PEOPLE v RUFFIN, CLARENCE D.

The defendant's remaining contentions are unpreserved for appellate review and, in any event, are without merit.

SKELOS, J.P., ENG, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:

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

James Edward Pelzer
Clerk of the Court