

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

D25241  
C/kmg

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

Submitted - November 6, 2009

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

2005-04750

DECISION & ORDER

The People, etc., respondent,  
v Alvin Rodriguez, appellant.

(Ind. No. 1604/04)

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Lynn W. L. Fahey, New York, N.Y. (Jonathan M. Kratter of counsel), for appellant, and appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Karol B. Mangum, and Ruth E. Ross of counsel; Irina Knopp on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Hall, J.), rendered May 9, 2005, convicting him of murder in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant contends that his due process rights were violated by the detective's failure to videotape his interrogation. This argument is unpreserved for appellate review (*see* CPL 470.05[2]) and, in any event, is without merit (*see People v Hodges*, 58 AD3d 642; *People v Nelson*, 52 AD3d 534; *People v Rosas*, 30 AD3d 545, *affd* 8 NY3d 493).

The defendant failed to demonstrate that he was denied the effective assistance of counsel (*see People v Benevento*, 91 NY2d 708, 712; *People v Baldi*, 54 NY2d 137). A review of the record in its entirety reveals that defense counsel provided meaningful representation (*see People v Rios*, 213 AD2d 726; *People v Abdullah*, 100 AD2d 550, *cert denied* 474 US 919; *People v Tonge*,

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93 NY2d 838, 840).

The defendant's remaining contentions, raised in his supplemental pro se brief, 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, sweeping initial "J".

James Edward Pelzer  
Clerk of the Court