

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

D25243  
C/kmg

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Argued - November 10, 2009

STEVEN W. FISHER, J.P.  
DANIEL D. ANGIOLILLO  
PLUMMER E. LOTT  
SANDRA L. SGROI, JJ.

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2008-00988

DECISION & ORDER

The People, etc., respondent,  
v Herbert Rattler, appellant.

(Ind. No. 10888/06)

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Lynn W. L. Fahey, New York, N.Y. (Katherine A. Levine of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Anthea H. Bruffee, and Tonya Kerry of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Parker, J.), rendered January 3, 2008, convicting him of robbery in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

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. Moreover, upon our independent review pursuant to CPL 470.15(5), we are satisfied that the verdict of guilt was not against the weight of the evidence (*see People v Romero*, 7 NY3d 633; *People v Bleakley*, 69 NY2d 490, 495).

The defendant's remaining contention is without merit.

FISHER, J.P., ANGIOLILLO, LOTT and SGROI, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

December 1, 2009

PEOPLE v RATTLER, HERBERT