

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

D25370  
Y/kmg

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

Submitted - November 17, 2009

REINALDO E. RIVERA, J.P.  
MARK C. DILLON  
HOWARD MILLER  
SHERI S. ROMAN, JJ.

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2007-06866

DECISION & ORDER

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

(Ind. No. 10362/06)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Sholom J. Twersky of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Guzman, J.), rendered June 27, 2007, convicting him of criminal possession of a controlled substance in the third degree and criminal possession of a weapon in the third degree, upon a jury verdict, and imposing sentence. The appeal brings up for review the denial, after a hearing (D’Emic, J.), of those branches of the defendant’s omnibus motion which were to suppress physical evidence and his statements to law enforcement officials.

ORDERED that the judgment is affirmed.

Contrary to the defendant’s contention, the hearing court properly denied those branches of the defendant’s omnibus motion which were to suppress physical evidence and his statements to law enforcement officials. Exigent circumstances existed to justify the conduct of the police in entering the defendant’s home without a warrant (*see People v Scott*, 6 AD3d 465, 466; *People v Green*, 182 AD2d 704; *People v Cartier*, 149 AD2d 524, 525; *People v Green*, 103 AD2d 362, 364-66), and the defendant did not unequivocally request the assistance of counsel before making his statements to the police (*see People v Mitchell*, 2 NY3d 272, 276; *People v Glover*, 87 NY2d 838, 839; *People v Cotton*, 277 AD2d 461, 462; *People v Diaz*, 161 AD2d 789, 790).

December 15, 2009

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In light of our determination, we need not reach the defendant's remaining contentions.

RIVERA, J.P., DILLON, MILLER and ROMAN, 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