

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

D25563  
C/kmg

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

Argued - December 15, 2009

STEVEN W. FISHER, J.P.  
HOWARD MILLER  
RANDALL T. ENG  
L. PRISCILLA HALL, JJ.

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2007-02435

DECISION & ORDER

The People, etc., respondent,  
v Randy Walters, appellant.

(Ind. No. 3294/06)

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Steven Banks, New York, N.Y. (Susan Epstein of counsel), for appellant.

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

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Carroll, J.), rendered February 28, 2007, convicting him of robbery in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the evidence was legally insufficient to support his conviction of robbery in the second degree is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Hawkins*, 11 NY3d 484, 492; *People v Laviscount*, 57 AD3d 1007, 1008). 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* Penal Law §§ 160.00[2], 160.10[2]; *People v Mattis*, 46 AD3d 929, 931–932). 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 factfinder's opportunity to view the witnesses, hear the testimony, and observe demeanor (*see People v Mateo*, 3 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).

The sentencing court did not improvidently exercise its discretion in denying the defendant's request for youthful offender treatment (*see People v Huffman*, 47 AD3d 646; *People v Polansky*, 125 AD2d 342, 343).

The defendant's remaining contentions are without merit (*see People v Peters*, \_\_\_\_ AD3d \_\_\_\_ [decided herewith]).

FISHER, J.P., MILLER, ENG and HALL, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court