

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

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_____AD3d_____

Submitted - December 21, 2009

PETER B. SKELOS, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
PLUMMER E. LOTT, JJ.

2008-00997

DECISION & ORDER

The People, etc., respondent,
v Joseph Willis, appellant.

(Ind. No. 232/07)

Steven Banks, New York, N.Y. (Steven R. Berko of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Jodi L. Mandel, and Alyshea Austern of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Hall, J.), rendered January 23, 2008, convicting him of criminal possession of a controlled substance in the third degree and unlawful possession of marijuana, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

“The defendant’s contention that the trial court erred in failing to give a limiting instruction to the jury regarding its use of evidence of uncharged crimes or prior bad acts is unpreserved for appellate review since the defendant neither requested such an instruction nor objected to the charge as given” (*People v Giuca*, 58 AD3d 750, 751; *see People v Pergya*, 53 AD3d 631, 631; *People v Webb*, 1 AD3d 542, 543; *People v Johnson*, 210 AD2d 256, 257; *People v Silva*, 187 AD2d 467, 468; *People v Jones*, 182 AD2d 708, 709). “In any event, any error resulting from the alleged failure was harmless, as there was overwhelming evidence of the defendant’s guilt, and no significant probability that the error contributed to his convictions” (*People v Giuca*, 58 AD3d at

751; *see People v Pergya*, 53 AD3d at 631; *People v Silva*, 187 AD2d at 468; *People v Johnson*, 210 AD2d at 257; *People v Cauthen*, 208 AD2d 856, 856).

SKELOS, J.P., BALKIN, LEVENTHAL and LOTT, 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