

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

D25977
W/prt

_____AD3d_____

Argued - January 8, 2010

REINALDO E. RIVERA, J.P.
JOHN M. LEVENTHAL
L. PRISCILLA HALL
SANDRA L. SGROI, JJ.

2006-02098

DECISION & ORDER

The People, etc., respondent,
v Jose Garcia, appellant.

(Ind. No. 473/04)

Bark & Karpf, Brooklyn, N.Y. (Peter Bark of counsel), for appellant.

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

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Ingram, J.), rendered January 27, 2006, convicting him of murder in the second degree, upon a jury verdict, and imposing sentence. The appeal brings up for review the denial, after a hearing, of that branch of the defendant's omnibus motion which was to suppress his statements to law enforcement officials.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, he was not deprived of the effective assistance of counsel (*see Strickland v Washington*, 466 US 668, 687; *People v Taylor*, 1 NY3d 174, 176).

The defendant's contention that the Supreme Court failed to comply with CPL 710.40(3) does not require reversal (*cf. People v Blowe*, 130 AD2d 668, 669-670).

February 2, 2010

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The defendant's remaining contention is without merit.

RIVERA, J.P., LEVENTHAL, HALL and SGROI, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court