

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

D26180
O/prt

_____AD3d_____

Submitted - January 19, 2010

PETER B. SKELOS, J.P.
JOSEPH COVELLO
RUTH C. BALKIN
LEONARD B. AUSTIN, JJ.

2009-04103

DECISION & ORDER

The People, etc., respondent,
v Alex Yagudaev, appellant.

(Ind. No. 2150/08)

Anthony L. Mascolo, Kew Gardens, N.Y., for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,
Jeanette Lifschitz, and Rona I. Kugler of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Gavrin, J.), rendered April 20, 2009, convicting him of assault in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant contends that he was deprived of the effective assistance of counsel (*see People v Benevento*, 91 NY2d 708, 712-715; *People v Baldi*, 54 NY2d 137, 146-147). To the extent that the defendant's claim involves matter dehors the record, it may not be reviewed on direct appeal (*see People v Haynes*, 39 AD3d 562, 564). To the extent that the claim may be reviewed, defense counsel provided meaningful representation (*see People v Ennis*, 11 NY3d 403, 415, *cert denied* _____US_____, 129 S Ct 2383; *People v Gomez*, 67 AD3d 927, 927-928; *People v Carter*, 44 AD3d 677, 679).

February 16, 2010

Page 1.

PEOPLE v YAGUDAEV, ALEX

The defendant's remaining contentions are unpreserved for appellate review (*see* CPL 470.05[2]) and, in any event, are without merit.

SKELOS, J.P., COVELLO, BALKIN and AUSTIN, 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