

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

D26349
H/hu

_____AD3d_____

Argued - January 28, 2010

A. GAIL PRUDENTI, P.J.
MARK C. DILLON
RANDALL T. ENG
SHERI S. ROMAN, JJ.

2007-03809

DECISION & ORDER

The People, etc., respondent,
v Mauricio Arevalo, appellant.

(Ind. No. 861/06)

Lynn W. L. Fahey, New York, N.Y. (Andrew E. Abraham of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Nicoletta J. Caferri, and Anastasia Spanakos of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Kohm, J.), rendered January 18, 2007, convicting him of attempted rape in the first degree, upon a jury verdict, and imposing sentence.

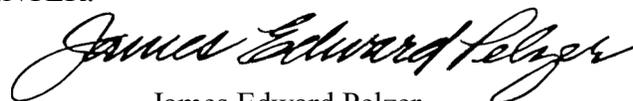
ORDERED that the judgment is affirmed.

The Supreme Court erroneously sustained the prosecutor's objections to certain proposed testimony by the defendant (*see People v Kass*, 59 AD3d 77, 86-87). The error, however, was harmless (*see People v Crimmins*, 36 NY2d 230).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

PRUDENTI, P.J., DILLON, ENG and ROMAN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 2, 2010

PEOPLE v AREVALO, MAURICIO