

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

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Submitted - May 18, 2010

MARK C. DILLON, J.P.
HOWARD MILLER
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2008-07770

DECISION & ORDER

The People, etc., respondent,
v Indrapaul Rooplall, appellant.

(Ind. No. 2457/06)

Lynn W. L. Fahey, New York, N.Y. (Winston McIntosh of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (Gary Fidel and Ayelet Sela of counsel), for respondent.

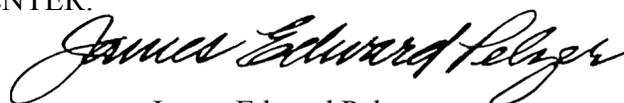
Appeal by the defendant from a judgment of the Supreme Court, Queens County (Kron, J.), rendered June 13, 2008, convicting him of assault in the first degree (two counts) and criminal possession of a weapon in the fourth degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court did not err in determining, after a hearing, that the defendant was competent to stand trial (*see* CPL 730.10). The burden of proof is on the prosecution to establish a defendant's competence, and the burden requires that fitness to stand trial be established by a preponderance of the evidence (*see People v Mendez*, 1 NY3d 15, 19; *People v Supino*, 202 AD2d 454). We are satisfied that the prosecution met its burden and perceive no basis upon which to disturb the Supreme Court's determination.

DILLON, J.P., MILLER, CHAMBERS and LOTT, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 8, 2010

PEOPLE v ROOPLALL, INDRAPAU