

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

D28293  
G/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Submitted - June 11, 2010

PETER B. SKELOS, J.P.  
JOSEPH COVELLO  
DANIEL D. ANGIOLILLO  
SANDRA L. SGROI, JJ.

---

2007-00810

DECISION & ORDER

The People, etc., respondent,  
v Paul Henry, appellant.

(Ind. No. 2826/05)

---

Leslie W. Rubin, Floral Park, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Laurie K. Gibbons and Andrew Fukuda of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Diamond, J.), rendered January 10, 2007, convicting him of robbery in the first degree (six counts), conspiracy in the fourth degree, criminal possession of a weapon in the second degree, and criminal possession of a weapon in the third degree, upon a jury verdict, and imposing sentence. The appeal brings up for review the denial, after a hearing (Carter, J.), pursuant to a stipulation in lieu of motions, of the suppression of the defendant's statements to law enforcement officials.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the hearing court properly denied suppression of certain incriminating statements he made to detectives. The hearing court properly determined that the defendant's statements, given after he was informed of, and waived, his *Miranda* rights (*see Miranda v Arizona*, 384 US 436), were voluntarily made (*see People v Petronio*, 34 AD3d 602, 604; *People v Hasty*, 25 AD3d 740, 741; *People v Miles*, 276 AD2d 566, 566-567).

August 24, 2010

PEOPLE v HENRY, PAUL

Page 1.

The defendant was not deprived of the effective assistance of counsel, as defense counsel provided meaningful representation (*see People v Benevento*, 91 NY2d 708; *People v Baldi*, 54 NY2d 137).

The defendant's remaining contentions are without merit.

SKELOS, J.P., COVELLO, ANGIOLILLO 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