

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

D28645  
Y/hu

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Submitted - October 1, 2010

PETER B. SKELOS, J.P.  
RANDALL T. ENG  
ARIEL E. BELEN  
L. PRISCILLA HALL, JJ.

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2006-07174

DECISION & ORDER

The People, etc., respondent,  
v Anthony Cowan, appellant.

(Ind. No. 2394/05)

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Mitchell Dranow, Mineola, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Barbara Kornblau and Christopher A. Dailey of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Calabrese, J.), rendered July 10, 2006, convicting him of criminal sale of a controlled substance in the third degree and criminal possession of a controlled substance in the third degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

As it is undisputed that a recording of the subject drug transaction was audible and intelligible, the Supreme Court providently exercised its discretion in allowing the jury, with the proper limiting instruction, to utilize a transcript as an aid while listening to the recording at trial (*see People v Redmond*, 41 AD3d 514; *People v Gkanios*, 199 AD2d 411; *People v Papa*, 168 AD2d 692; *People v Carrington*, 151 AD2d 687; *People v Mincey*, 64 AD2d 615).

In fulfilling our responsibility to conduct an independent review of the weight of the evidence (*see CPL 470.15[5]*; *People v Danielson*, 9 NY3d 342), we nevertheless accord great deference to the jury's opportunity to view the witnesses, hear the testimony, and observe demeanor (*see People v Mateo*, 2 NY3d 383, 410, *cert denied* 542 US 946; *People v Bleakley*, 69 NY2d 490,

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495). Upon reviewing the record here, we are satisfied that the verdict of guilt was not against the weight of the evidence (*see People v Romero*, 7 NY3d 633).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80), and the period of post-release supervision was not illegal (*see* Penal Law § 70.45[2][d];§ 70.70[3][b][I]).

SKELOS, J.P., ENG, BELEN and HALL, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court