

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

D28993  
O/prt

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

Argued - October 21, 2010

A. GAIL PRUDENTI, P.J.  
JOSEPH COVELLO  
ANITA R. FLORIO  
ARIEL E. BELEN, JJ.

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2009-03488

DECISION & ORDER

The People, etc., respondent, v Alma Caldavado,  
also known as Alma Calderaro, appellant.

(Ind. No. 1251/06)

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Brafman & Associates, P.C., New York, N.Y. (Mark M. Baker of counsel), for appellant.

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

Appeal by the defendant from a judgment of the Supreme Court, Queens County (McGann, J.), rendered April 1, 2009, convicting her of assault in the first degree and endangering the welfare of a child, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Viewing the evidence in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620), we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt. Moreover, 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, 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).

Contrary to the defendant's contentions, the trial court providently exercised its

November 16, 2010

Page 1.

PEOPLE v CALDAVADO, ALMA, also known as CALDERARO, ALMA

discretion in permitting a PowerPoint presentation as to the injuries associated with Shaken Baby Syndrome and in allowing an expert witness to shake a doll in order to demonstrate the force necessary to inflict Shaken Baby Syndrome, as the probative value of the presentation outweighed its prejudicial effect (*see People v Sulayao*, 58 AD3d 769, 770; *People v Mora*, 57 AD3d 571, 572; *People v Yates*, 290 AD2d 888, 889-890). Moreover, any prejudice was minimized by the court's limiting instructions to the jury (*see People v Sulayao*, 58 AD3d at 770).

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

The defendant's remaining contention is without merit.

PRUDENTI, P.J., COVELLO, FLORIO and BELEN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan  
Clerk of the Court