

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

D29867
O/kmb

_____AD3d_____

Argued - January 11, 2011

REINALDO E. RIVERA, J.P.
JOHN M. LEVENTHAL
SANDRA L. SGROI
ROBERT J. MILLER, JJ.

2008-06954

DECISION & ORDER

The People, etc., respondent,
v Ernest Bessard, appellant.

(Ind. No. 1788/07)

Lynn W. L. Fahey, New York, N.Y. (Melissa S. Horlick of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Jodi L. Mandel, and Bruce Alderman of counsel; Leah Rabinowitz on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Carroll, J.), rendered July 18, 2008, convicting him of criminal possession of a controlled substance in the fifth degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

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). Any inconsistencies in the police officers' testimony and police paperwork were not of such magnitude as to render their testimony incredible or unreliable (*see People v Scipio*, 61 AD3d 899, 899; *People v Sepulveda*, 59 AD3d 641, 642; *People v Middleton*, 36 AD3d 941, 942).

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The defendant's remaining contention is without merit (*see People v Miller*, 282 AD2d 550, 551; *People v Nelson*, 189 AD2d 828, 829).

RIVERA, J.P., LEVENTHAL, SGROI and MILLER, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court