

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

D30535  
W/kmb

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

Submitted - February 24, 2011

REINALDO E. RIVERA, J.P.  
MARK C. DILLON  
L. PRISCILLA HALL  
SHERI S. ROMAN, JJ.

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2007-10940

DECISION & ORDER

The People, etc., respondent,  
v Carlton Simons, appellant.

(Ind. No. 255/06)

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

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (Gary Fidel and Jill Gross-Marks of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Kron, J.), rendered October 25, 2007, convicting him of promoting prostitution in the second degree and promoting prostitution in the third degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant was not deprived of a fair trial by the Supreme Court's instructions to the jury. Viewing the Supreme Court's charge as a whole, the instructions regarding credibility adequately conveyed to the jury the appropriate standard by which to evaluate the testimony of the complainant (*see People v Gillyard*, 70 AD3d 854, 855; *People v Francisco*, 44 AD3d 870, 871; *People v Goodson*, 35 AD3d 760, 761; *People v Hosannah*, 2 AD3d 458, 459).

RIVERA, J.P., DILLON, HALL and ROMAN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court

March 22, 2011

PEOPLE v SIMONS, CARLTON