

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

D30601
Y/kmb

_____AD3d_____

Submitted - March 8, 2011

JOSEPH COVELLO, J.P.
L. PRISCILLA HALL
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2007-10482

DECISION & ORDER

The People, etc., respondent,
v Kevin Oliver, appellant.

(Ind. No. 2518/05)

Kevin Oliver, Napanoch, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (Gary Fidel and Edward D. Saslaw of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Roman, J.), rendered October 30, 2007, convicting him of criminal possession of a weapon in the third degree, criminal possession of a weapon in the fourth degree, unlawful possession of marijuana, unlawful possession of handcuffs in violation of Administrative Code of the City of New York § 10-147, and unlawful possession of a radio device, upon his plea of guilty, and imposing sentence.

ORDERED that the judgment is affirmed.

We reject the defendant's request that we reconsider a prior decision and order of this Court dated April 24, 2007, which reversed so much of an order of the Supreme Court as granted that branch of the defendant's omnibus motion which was to suppress physical evidence (*see People v Oliver*, 39 AD3d 880). There was no showing that the decision and order was based on manifest error, or that exceptional circumstances warrant departure from the doctrine of the law of the case (*see People v Scalercio*, 10 AD3d 697; *People v O'Hara*, 274 AD2d 486, *aff'd* 96 NY2d 378; *People*

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v Quinones, 254 AD2d 308, 309; *People v Jacobs*, 220 AD2d 617; *People v Williams*, 188 AD2d 573; *People v Barnes*, 155 AD2d 468).

COVELLO, J.P., HALL, LOTT and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court