

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

D30610
O/prt

_____AD3d_____

Submitted - March 11, 2011

WILLIAM F. MASTRO, J.P.
MARK C. DILLON
RUTH C. BALKIN
ROBERT J. MILLER, JJ.

2008-10041

DECISION & ORDER

The People, etc., respondent,
v Kenneth Robinson, appellant.

(Ind. No. 2514/04)

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

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,
Sharon Y. Brodt, and Emil Bricker of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Buchter, J.), rendered January 22, 2008, convicting him of murder in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court properly denied his motion to dismiss the indictment based on preindictment delay. The People established, inter alia, good cause for the delay and that the other relevant factors favor the prosecution (*see People v Decker*, 13 NY3d 12; *People v Taranovich*, 37 NY2d 442; *People v Finkelstein*, 75 AD3d 652; *People v Jones*, 267 AD2d 250; *People v Lee*, 234 AD2d 140).

March 29, 2011

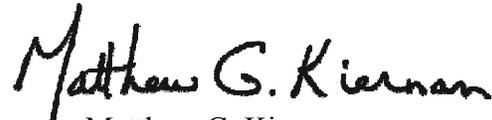
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The defendant's remaining contention is without merit.

MASTRO, J.P., DILLON, BALKIN and MILLER, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court