

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

D30735  
O/prt

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

Submitted - March 4, 2011

WILLIAM F. MASTRO, J.P.  
PETER B. SKELOS  
RUTH C. BALKIN  
SHERI S. ROMAN, JJ.

2009-06027

DECISION & ORDER

The People, etc., respondent,  
v Marvin St. Juste, appellant.

(Ind. No. 7943/07)

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Lynn W. L. Fahey, New York, N.Y. (Paul Skip Laisure and Matthew B. Larsen of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Shulamit Rosenblum Nemeck of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Tomei, J.), rendered June 4, 2009, convicting him of manslaughter in the first degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that he was deprived of a fair trial by certain comments made by the prosecutor during summation is unpreserved for appellate review, as he failed to object to the comments (*see* CPL 470.05[2]; *People v Amico*, 78 AD3d 1190; *People v Torres*, 71 AD3d 1063). In any event, to the extent that any of the challenged remarks were improper, they did not deprive the defendant of a fair trial (*see People v Rayford*, 80 AD3d 780; *People v Cruz*, 79 AD3d 1145; *People v Rudd*, 62 AD3d 729).

The sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80, 83).

April 5, 2011

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The defendant's remaining contention is without merit.

MASTRO, J.P., SKELOS, BALKIN and ROMAN, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive style with a large, prominent initial "M".

Matthew G. Kiernan  
Clerk of the Court