

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

D31161
W/kmb

_____AD3d_____

Argued - April 8, 2011

WILLIAM F. MASTRO, J.P.
ARIEL E. BELEN
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2010-03445

DECISION & ORDER

The People, etc., respondent,
v Eugene Glover, appellant.

(Ind. No. 1600/09)

Matthew Muraskin, Port Jefferson, N.Y., for appellant.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Judith R. Sternberg and Donald Berk of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Donnino, J.), rendered March 26, 2010, convicting him of criminal possession of a weapon in the second degree, criminal possession of a weapon in the third degree, criminal possession of a weapon in the fourth degree, criminal possession of marijuana in the fourth degree, and failing to signal a turn, upon his plea of guilty, and imposing sentence. The appeal brings up for review the denial, after a hearing pursuant to a stipulation in lieu of motions, of the suppression of physical evidence and his statements to law enforcement officials.

ORDERED that the judgment is affirmed.

The credibility determinations of a hearing court are accorded great deference on appeal, and will not be disturbed unless clearly unsupported by the record (*see People v Tandle*, 71 AD3d 1176, 1178; *People v Glenn*, 53 AD3d 622, 623-624; *People v Edwards*, 29 AD3d 818). Here, the record supports the hearing court's determination to credit a police officer's testimony that he observed the defendant make a right turn without signaling, which justified the initial stop of his vehicle for a traffic infraction (*see Vehicle and Traffic Law* § 1163[a]; *People v Edwards*, 14 NY3d 741, 742; *People v Leiva*, 33 AD3d 1021, 1022; *People v Parris*, 26 AD3d 393, 394). Upon

May 10, 2011

PEOPLE v GLOVER, EUGENE

Page 1.

approaching the vehicle, the police detected a strong odor of marijuana emanating from it. Additionally, in response to an investigatory question, the defendant admitted that he was in possession of a gun and had marijuana in the glove compartment (*see People v Hardy*, 77 AD3d 133, 141). Under these circumstances, the police had probable cause to search both the vehicle and the defendant (*see People v Hughes*, 68 AD3d 894, 895; *People v Parris*, 26 AD3d at 394). Accordingly, the hearing court properly denied the suppression of physical evidence and the defendant's statements to law enforcement officials.

MASTRO, J.P., BELEN, CHAMBERS and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court