

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

D31444
W/nl

_____AD3d_____

Submitted - May 6, 2011

WILLIAM F. MASTRO, J.P.
JOHN M. LEVENTHAL
LEONARD B. AUSTIN
JEFFREY A. COHEN, JJ.

2008-09711

DECISION & ORDER

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

(Ind. No. 5382/03)

Lynn W. L. Fahey, New York, N.Y. (Winston McIntosh of counsel), for appellants.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Victor Barall of counsel), for respondent.

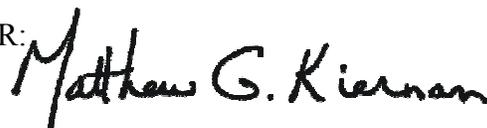
Appeal by the defendant from a judgment of the Supreme Court, Kings County (Lott, J.), rendered October 20, 2008, convicting him of rape in the first degree, burglary in the first degree, and endangering the welfare of a child (two counts), upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court properly denied his *Batson* challenge (*see Batson v Kentucky*, 476 US 79), as he failed to carry his burden of proving that the prosecutor's facially race-neutral explanations for exercising a peremptory challenge to the subject juror were pretexts for purposeful discrimination (*see Hernandez v New York*, 500 US 352, 363-365; *People v Hecker*, 15 NY3d 625, 663-665, *cert denied sub nom. Black v New York*, _____ US _____, 2011 WL 743068, 2011 US LEXIS 3154; *People v Smocum*, 99 NY2d 418, 422).

MASTRO, J.P., LEVENTHAL, AUSTIN and COHEN, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

May 31, 2011

PEOPLE v LOUIS, KEVIN