

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

D31561  
H/kmb

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

Argued - May 9, 2011

PETER B. SKELOS, J.P.  
THOMAS A. DICKERSON  
L. PRISCILLA HALL  
SANDRA L. SGROI, JJ.

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2010-05727

DECISION & ORDER

Beata Culen, respondent, v Matthew Culen, appellant.

(Index No. 1239/09)

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Matthew Culen, Pelham, N.Y., appellant pro se.

Joan Iacono, Bronxville, N.Y., for respondent.

In an action for a divorce and ancillary relief, the defendant appeals from an order of the Supreme Court, Westchester County (Colabella, J.), entered May 20, 2010, which denied his motion, in effect, to set aside a jury verdict finding, in effect, that the plaintiff demonstrated her entitlement to a divorce on the ground of cruel and inhuman treatment.

ORDERED that the order is affirmed, with costs.

Following a trial, the jury found, in effect, that the plaintiff demonstrated her entitlement to a divorce based upon the defendant's cruel and inhuman treatment (*see* Domestic Relation Law § 170[1]; *Brady v Brady*, 64 NY2d 339). Thereafter, the Supreme Court denied the defendant's motion, in effect, to set aside the verdict. We affirm.

Contrary to the defendant's contention, the jury's verdict was supported by legally sufficient evidence as there was a "valid line of reasoning and permissible inferences which could possibly lead rational [people] to the conclusion reached by the jury on the basis of the evidence presented at trial" (*Cohen v Hallmark Cards*, 45 NY2d 493, 499; *see Bernholz v Bornstein*, 72 AD3d 625, 627). Furthermore, the jury's determination was based upon a fair interpretation of the evidence and, thus, not contrary to the weight of the evidence (*see Lolik v Big V Supermarket*, 86 NY2d 744,

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746; *Bernholz v Bornstein*, 72 AD3d 625).

The defendant's remaining contentions are without merit.

SKELOS, J.P., DICKERSON, HALL and SGROI, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court