

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

D31903
H/kmb

_____AD3d_____

Submitted - June 10, 2011

MARK C. DILLON, J.P.
JOSEPH COVELLO
CHERYL E. CHAMBERS
SHERI S. ROMAN, JJ.

2009-08109

DECISION & ORDER

The People, etc., respondent,
v Shaka Gabriel, appellant.

(Ind. No. 2458/08)

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

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Ellen C. Abbot, and Brooke E. Barnes of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Latella, J.), rendered August 4, 2009, convicting him of criminal possession of a weapon in the second degree (two counts) and criminal possession of a weapon in the third 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, since the defendant failed to object or raised only general objections to the prosecutor's summation remarks (*see* CPL 470.05; *People v Juste*, 83 AD3d 742). 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 Thompson*, 271 AD2d 555).

June 28, 2011

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The defendant was not deprived of the effective assistance of counsel, as the record reveals that defense counsel provided meaningful representation (*see People v Baldi*, 54 NY2d 137).

DILLON, J.P., COVELLO, CHAMBERS and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court