

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

D32488
O/kmb

_____AD3d_____

Submitted - September 19, 2011

REINALDO E. RIVERA, J.P.
RUTH C. BALKIN
L. PRISCILLA HALL
JEFFREY A. COHEN, JJ.

2009-08357

DECISION & ORDER

The People, etc., respondent,
v Jeanine Harrington, appellant.

(Ind. No. 5143/07)

Lynn W. L. Fahey, New York, N.Y. (Katherine A. Levine of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Keith Dolan, and Josh Hafetz of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Guzman, J.), rendered August 26, 2009, convicting her of manslaughter in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The Supreme Court did not improvidently exercise its discretion in admitting into evidence four autopsy photographs of the victim. The challenged photographs were neither excessively gruesome nor introduced for the sole purpose of arousing the jurors' passions and prejudicing the defendant (*see People v Wood*, 79 NY2d 958, 960; *People v Poblner*, 32 NY2d 356, 369-370, *cert denied* 416 US 905; *People v Fletcher*, 84 AD3d 1265, 1266, *lv denied* 17 NY3d 816). Rather, they were relevant to a material issue at trial and also to elucidate the testimony of the medical examiner regarding the cause of death (*see People v Prowse*, 60 AD3d 703, 704; *People v Allan*, 41 AD3d 727, 727-728).

RIVERA, J.P., BALKIN, HALL and COHEN, JJ., concur.

ENTER:


Matthew G. Kiernan

Clerk of the Court

October 11, 2011

PEOPLE v HARRINGTON, JEANINE