

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

D32924  
H/ct

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

Argued - October 27, 2011

ANITA R. FLORIO, J.P.  
L. PRISCILLA HALL  
LEONARD B. AUSTIN  
JEFFREY A. COHEN, JJ.

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2009-07364

DECISION & ORDER

The People, etc., respondent,  
v Salah Ahmed, appellant.

(Ind. No. 3772/08)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Diane R. Eisner of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Ingram, J.), rendered July 10, 2009, convicting him of assault in the first degree and criminal possession of a weapon in the fourth degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that the evidence was legally insufficient to support his convictions of assault in the first degree and criminal possession of a weapon in the fourth degree, including disproving his defense of justification, is unpreserved for appellate review (*see* CPL 470.05; *People v Hawkins*, 11 NY3d 484, 492; *People v Gray*, 86 NY2d 10, 19; *People v McDaniel*, 84 AD3d 1410, 1411, *lv denied* 17 NY3d 819; *People v Walker*, 78 AD3d 1082, 1083; *People v Battle*, 73 AD3d 939, 940). In any event, viewing the evidence in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620), we find that it was legally sufficient to disprove the justification defense and to establish the defendant's guilt of assault in the first degree and criminal possession of a weapon in the fourth degree beyond a reasonable doubt. Moreover, in fulfilling our responsibility to conduct an independent review of the weight of the evidence (*see* CPL 470.15[5]; *People v Danielson*, 9 NY3d 342, 348), we nevertheless accord great deference to the

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jury's opportunity to view the witnesses, hear the testimony, and observe demeanor (*see People v Mateo*, 2 NY3d 383, *cert denied* 542 US 946; *People v Bleakley*, 69 NY2d 490, 495). Upon reviewing the record here, we are satisfied that the jury's rejection of the justification defense and the verdict of guilt were not against the weight of the evidence (*see People v Romero*, 7 NY3d 633).

The defendant's remaining contentions are without merit.

FLORIO, J.P., HALL, AUSTIN and COHEN, JJ., concur.

ENTER:

  
Matthew G. Kiernan  
Clerk of the Court