

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

D33079

Y/prt

_____AD3d_____

Argued - November 3, 2011

DANIEL D. ANGIOLILLO, J.P.
L. PRISCILLA HALL
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2009-06513

DECISION & ORDER

The People, etc., respondent,
v Chadon Morris, appellant.

(Ind. No. 2368/07)

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

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,
Nicoletta J. Caferri, and Merri Turk Lasky of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Knopf, J.), rendered June 24, 2009, convicting him of criminal possession of a weapon in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, he was not deprived of a fair trial because the trial court permitted the prosecution to introduce a recording of a telephone call to the 911 emergency number reporting that a person matching the defendant's description committed an uncharged robbery. The challenged evidence was properly admitted to "provide background information as to how and why the police pursued and confronted [the] defendant" (*People v Tosca*, 98 NY2d 660, 661; *see People v Wilson*, 82 AD3d 797, 799; *People v Givhan*, 78 AD3d 730, 731; *People v Stevenson*, 67 AD3d 605; *People v Jenkins*, 49 AD3d 780), and the challenged evidence was more probative than prejudicial (*cf. People v Resek*, 3 NY3d 385, 398). Moreover, the trial court nullified any potential prejudice by properly instructing the jury several times as to the limited

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purpose of this evidence (*see People v Tosca*, 98 NY2d at 661; *People v Wilson*, 82 AD3d at 799; *People v Givhan*, 78 AD3d at 731).

ANGIOLILLO, J.P., HALL, AUSTIN and MILLER, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court