

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

D33092
W/mv

_____AD3d_____

Submitted - October 27, 2011

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

2009-01597

DECISION & ORDER

The People, etc., respondent,
v Clifford Parker-Davidson, appellant.

(Ind. No. 1673/07)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Jodi L. Mandel, and John D. Friel of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Konviser, J.), rendered January 21, 2009, convicting him of assault in the second degree (three counts), 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 because the prosecutor made improper remarks during his summation is unpreserved for appellate review, as the defendant either did not object to the remarks at issue or made only general objections, or his objections were sustained without any further request for curative instructions and he failed to move for a mistrial (*see* CPL 470.05[2]; *People v Heide*, 84 NY2d 943, 944; *People v Osorio*, 49 AD3d 562; *People v Muniz*, 44 AD3d 1074). In any event, the challenged remarks and conduct either were responsive to arguments made by defense counsel, constituted fair comment on the evidence, or otherwise did not deprive the defendant of a fair trial (*see People v Hudson*, 54 AD3d 774; *People v Olivo*, 23 AD3d 584).

November 29, 2011

Page 1.

PEOPLE v PARKER-DAVIDSON, CLIFFORD

There is no merit to the defendant's contention that he was deprived of the effective assistance of counsel based solely on his attorney's failure to object to the alleged prosecutorial misconduct (*see People v Dunn*, 54 AD3d 871, citing *People v Benevento*, 91 NY2d 708, 712).

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

ENTER:


Matthew G. Kiernan
Clerk of the Court