

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

D33135
W/kmb

_____AD3d_____

Argued - November 4, 2011

WILLIAM F. MASTRO, A.P.J.
ANITA R. FLORIO
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2009-06377

DECISION & ORDER

The People, etc., respondent,
v Anthony Johnson, appellant.

(Ind. No. 8123/07)

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

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Ann Bordley of counsel; Samuel K. Mersky on the brief), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Mullen, J.), rendered June 11, 2009, convicting him of robbery in the first degree (two counts), upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the evidence, when viewed in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620), was legally sufficient to establish, beyond a reasonable doubt, his identity as one of two robbers. 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, 348-349; *People v Romero*, 7 NY3d 633, 644-645), we nevertheless accord great deference to the jury's opportunity to view the witnesses, hear the testimony, and observe demeanor (*see People v Mateo*, 2 NY3d 383, 410, *cert denied* 542 US 946; *People v Bleakley*, 69 NY2d 490, 495; *People v Jean-Marie*, 67 AD3d 704, 704). Upon reviewing the record, we are satisfied that the jury's verdict of guilt was not against the weight of the evidence

December 6, 2011

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(see *People v Romero*, 7 NY3d 633).

MASTRO, A.P.J., FLORIO, LOTT and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court