

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

D33370
H/prt

_____AD3d_____

Submitted - December 5, 2011

PETER B. SKELOS, J.P.
ARIEL E. BELEN
PLUMMER E. LOTT
JEFFREY A. COHEN, JJ.

2010-09467

DECISION & ORDER

The People, etc., respondent,
v Daniel Castro, appellant.

(Ind. No. 09-01398)

Stephen J. Pittari, White Plains, N.Y. (John F. Ryan and Jacqueline F. Oliva of counsel), for appellant.

Janet DiFiore, District Attorney, White Plains, N.Y. (Raffaelina Gianfrancesco and Richard Longworth Hecht of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Westchester County (Holdman, J.), rendered August 20, 2010, 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.

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), 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). Upon reviewing the record here, we are satisfied that the verdict of guilt was not against the weight of the evidence (*see People v Romero*, 7 NY3d 633; *People v Aviles*, 87 AD3d 547, 548; *People v McNeil*, 86 AD3d 650, 651).

The sentence imposed was not excessive (*see People v Suite*, 90 AD2d 80).

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The defendant's remaining contention is without merit.

SKELOS, J.P., BELEN, LOTT and COHEN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court