

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

D33442

W/prt

_____AD3d_____

Argued - December 1, 2011

MARK C. DILLON, J.P.
ANITA R. FLORIO
CHERYL E. CHAMBERS
ROBERT J. MILLER, JJ.

2009-02497

DECISION & ORDER

The People, etc., respondent,
v Joyette Nedd, appellant.

(Ind. No. 11326/06)

Lynn W. L. Fahey, New York, N.Y., for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Victor Barall,
and Adam M. Koelsch of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Parker, J.), rendered March 10, 2009, convicting him of attempted murder in the second degree, criminal possession of a weapon in the second degree, and criminal mischief in the fourth degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Viewing the evidence in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620, 621), we find the evidence was legally sufficient to establish the defendant's guilt of attempted murder in the second degree beyond a reasonable doubt (*see Penal Law § 15.05[1]*; §§ 110.00, 125.25; *People v Mei Ying Wang*, 33 AD3d 820, 821). Moreover, upon our independent review pursuant to CPL 470.15(5), we are satisfied that the verdict of guilt as to attempted murder in the second degree was not against the weight of the evidence (*see People v Romero*, 7 NY3d 633).

December 27, 2011

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The defendant's remaining contentions are without merit.

DILLON, J.P., FLORIO, CHAMBERS and MILLER, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino
Clerk of the Court