

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

D33571  
Y/kmb

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Submitted - December 15, 2011

WILLIAM F. MASTRO, A.P.J.  
ANITA R. FLORIO  
RUTH C. BALKIN  
CHERYL E. CHAMBERS, JJ.

2010-03562

DECISION & ORDER

The People, etc., respondent,  
v Hommy Colon, appellant.

(Ind. No. 09-00310)

Janet A. Gandolfo, Sleepy Hollow, N.Y., for appellant.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Lauren E. Grasso of counsel),  
for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County (Berry, J.), rendered March 29, 2010, convicting him of intimidating a victim or witness in the second degree, aggravated criminal contempt, criminal contempt in the first degree, criminal contempt in the second degree, and assault in the third 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), we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt. 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), 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).

January 17, 2012

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

MASTRO, A.P.J., FLORIO, BALKIN and CHAMBERS, JJ., concur.

ENTER:

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

Aprilanne Agostino  
Clerk of the Court