

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

D33777

W/prt

_____AD3d_____

Submitted - January 6, 2012

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
LEONARD B. AUSTIN
ROBERT J. MILLER, JJ.

2008-05795

DECISION & ORDER

The People, etc., respondent,
v Corey Ford, appellant.

(Ind. No. 82/04)

Yasmin Daley Duncan, Brooklyn, N.Y., for appellant.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Joan H. McCarthy of counsel), for respondent.

Appeal by the defendant from a judgment of the County Court, Dutchess County (Hayes, J.), rendered June 11, 2008, convicting him of attempted assault in the first degree, assault in the second degree (two counts), criminal possession of a weapon in the third degree (two counts), and promoting prison contraband in the first degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The Supreme Court properly denied that branch of the defendant's motion which was pursuant to CPL 330.30 to set aside the verdict on the ground that the People failed to disclose, or failed timely to disclose, *Brady* material (*see Brady v Maryland*, 373 US 83).

Contrary to the defendant's contention, he was not deprived of his right to the effective assistance of counsel under either the United States Constitution or the New York Constitution (*see Strickland v Washington*, 466 US 668; *People v Baldi*, 54 NY2d 137).

January 31, 2012

Page 1.

PEOPLE v FORD, COREY

The Supreme Court properly adjudicated the defendant a persistent violent felony offender (*see* Penal Law § 70.04[1][b]; § 70.08[1]).

SKELOS, J.P., DICKERSON, AUSTIN and MILLER, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court