

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

D34138
W/prt

_____AD3d_____

Submitted - February 6, 2012

REINALDO E. RIVERA, J.P.
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL
JEFFREY A. COHEN, JJ.

2010-07653

DECISION & ORDER

The People, etc., respondent,
v Peter R. Nelson, appellant.

(Ind. No. 1891/09)

Steven A. Feldman, Uniondale, N.Y., for appellant.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Grazia DiVincenzo of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Suffolk County (Hudson, J.), rendered July 16, 2010, convicting him of driving while intoxicated and aggravated unlicensed operation of a motor vehicle in the first degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

There is no merit to the defendant's contention that he was deprived of a fair trial by the conduct of the prosecutor in making prejudicial comments and inflaming the emotions of the jury during summation.

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

The defendant's remaining contentions are without merit.

RIVERA, J.P., ANGIOLILLO, LEVENTHAL and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

March 6, 2012

PEOPLE v NELSON, PETER R.