

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

D34379  
N/kmb

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Argued - March 1, 2012

RUTH C. BALKIN, J.P.  
CHERYL E. CHAMBERS  
L. PRISCILLA HALL  
LEONARD B. AUSTIN, JJ.

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2009-06549

DECISION & ORDER

The People, etc., respondent,  
v Joel Billy, appellant.

(Ind. No. 4242/08)

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Lynn W. L. Fahey, New York, N.Y. (A. Alexander Donn of counsel), for appellant.

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

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Guzman, J.), rendered July 6, 2009, convicting him of assault in the first degree and criminal possession of a weapon in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court properly granted the People's reverse-*Batson* challenge (*see Batson v Kentucky*, 476 US 79; *People v Luciano*, 10 NY3d 499, 502-503; *People v Kern*, 75 NY2d 638, *cert denied* 498 US 824). The Supreme Court's determination that defense counsel's proffered reasons for challenging the juror in question were pretextual is entitled to deference and is supported by the record (*see People v Clarke*, 64 AD3d 612; *People v Richie*, 217 AD2d 84, 89).

BALKIN, J.P., CHAMBERS, HALL and AUSTIN, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

April 3, 2012

PEOPLE v BILLY, JOEL