

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

D35487
Y/kmb

_____AD3d_____

Argued - May 29, 2012

PETER B. SKELOS, J.P.
THOMAS A. DICKERSON
JOHN M. LEVENTHAL
SHERI S. ROMAN, JJ.

2008-10368

DECISION & ORDER

The People, etc., respondent, v Charles Kenrick,
also known as Kenrick Charles, appellant.

(Ind. No. 6606/07)

Lynn W. L. Fahey, New York, N.Y. (William Kastin of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Amy Appelbaum, and Melissa J. Feldman of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Sullivan, J.), rendered October 24, 2008, convicting him of robbery in the second degree (two counts), criminal possession of stolen property in the fifth degree, and assault in the third degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant contends that he was deprived of his statutory right to exercise peremptory challenges because the trial court seated a prospective juror whom his counsel had sought to exclude. The defendant's argument was waived when, before the jury was sworn, the defendant conceded, without reservation or qualification, that he considered the jury panel to be satisfactory (*see People v Phillip*, 215 AD2d 598; *see also People v Mattina*, 287 AD2d 468).

SKELOS, J.P., DICKERSON, LEVENTHAL and ROMAN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

July 5, 2012

PEOPLE v KENRICK, CHARLES, also known as CHARLES, KENRICK