

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

D35544
C/kmb

_____AD3d_____

Submitted - June 5, 2012

PETER B. SKELOS, J.P.
MARK C. DILLON
JOHN M. LEVENTHAL
SANDRA L. SGROI, JJ.

2010-03509

DECISION & ORDER

The People, etc., respondent,
v Lamont Daniels, appellant.

(Ind. No. 202/09)

Lynn W. L. Fahey, New York, N.Y. (Steven R. Bernhard of counsel), for appellant.

Daniel M. Donovan, Jr., District Attorney, Staten Island, N.Y. (Morrie I. Kleinbart of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Richmond County (Rooney, J.), rendered April 7, 2010, convicting him of murder in the second degree, criminal possession of a weapon in the second degree (four counts), robbery in the first degree, and reckless endangerment in the first degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The Supreme Court providently exercised its discretion in denying the defendant's motion, pursuant to CPL 200.20(3), for separate trials on the respective incidents charged in the indictment. The proof of each crime was separately presented, uncomplicated, and easily segregable in the minds of the jurors, there was no substantial difference in the quantity of proof at trial for each of the crimes, and the court repeatedly instructed the jury to consider each incident separately (*see People v Reyes*, 60 AD3d 873, 874; *People v Vernon*, 304 AD2d 679, 680; *People v Brewer*, 269 AD2d 538, 538).

SKELOS, J.P., DILLON, LEVENTHAL and SGROI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

July 11, 2012

PEOPLE v DANIELS, LAMONT