

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

D36147
T/kmb

_____AD3d_____

Submitted - September 10, 2012

PETER B. SKELOS, J.P.
JOHN M. LEVENTHAL
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2009-09822

DECISION & ORDER

The People, etc., respondent,
v Steven Robinson, appellant.

(Ind. No. 1946/08)

Lynn W. L. Fahey, New York, N.Y. (Kathleen Whooley of counsel), for appellant,
and appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Ellen
C. Abbot, and Jessica L. Zellner of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County
(Latella, J.), rendered October 19, 2009, convicting him of criminal possession of a weapon in the
second degree and criminal possession of a weapon in the third degree, upon a jury verdict, and
imposing sentence.

ORDERED that the judgment is affirmed.

In fulfilling our responsibility to conduct an independent review of the weight of the
evidence (*see* CPL 470.15[5]; *People v Danielson*, 9 NY3d 342, 348), we nevertheless accord great
deference to the factfinder's opportunity to view the witnesses, hear the testimony, and observe
demeanor (*see People v Mateo*, 2 NY3d 383, 410, *cert denied* 542 US 946; *People v Bleakley*, 69
NY2d 490, 495). Upon our review of the record, we are satisfied that the verdict of guilt was not
against the weight of the evidence (*see People v Romero*, 7 NY3d 633).

Contrary to the defendant's contention, his absence during the jury's viewing of
exhibits that had already been admitted into evidence did not deprive him of the right to be present
at all material stages of the trial (*see People v Monroe*, 90 NY2d at 984; *People v Valerio*, 70 AD3d

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869, 870).

The record, viewed in totality, demonstrates that the defendant was afforded the effective assistance of counsel (*see People v Benevento*, 91 NY2d 708, 712; *People v Baldi*, 54 NY2d 137, 147).

Contrary to the defendant's contention, the prosecutor's summation remarks, when viewed in light of the defense summation, did not deprive the defendant of a fair trial (*see People v Fortune*, 70 AD3d 964; *People v Barnes*, 33 AD3d 811, 812; *People v Farrell*, 228 AD2d 693, 694).

The defendant's remaining contentions, raised in his pro se supplemental brief, are without merit.

SKELOS, J.P., LEVENTHAL, CHAMBERS and LOTT, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court