

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

D36150  
T/ct

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Submitted - September 11, 2012

RANDALL T. ENG, P.J.  
REINALDO E. RIVERA  
L. PRISCILLA HALL  
SANDRA L. SGROI, JJ.

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2008-02766

DECISION & ORDER

The People, etc., respondent,  
v Joseph Truman, appellant.

(Ind. No. 748/06)

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Lynn W. L. Fahey, New York, N.Y. (Jonathan M. Kratter of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Sholom J. Twersky, and Jordon W. Rossman of counsel), for respondents.

Appeal by the defendant from a judgment of the Supreme Court, Kings County, rendered March 19, 2008 (Reichbach, J.), convicting him of manslaughter 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.

The defendant's contention that the prosecutor's summation deprived him of a fair trial is unpreserved for appellate review (*see* CPL 470.05[2]). In any event, the challenged remarks were within the bounds of permissible rhetorical comment, fair response to arguments and issues raised by the defense, or fair comment on the evidence (*see People v Ashwal*, 39 NY2d 105, 109-110).

ENG, P.J., RIVERA, HALL and SGROI, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

October 10, 2012

PEOPLE v TRUMAN, JOSEPH