

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

989

KA 08-02485

PRESENT: CENTRA, J.P., PERADOTTO, CARNI, AND LINDLEY, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

STEVEN L. COTTON, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (TIMOTHY S. DAVIS OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (MATTHEW DUNHAM OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Monroe County Court (Frank P. Geraci, Jr., J.), rendered October 8, 2008. The judgment convicted defendant, upon a jury verdict, of criminal possession of a weapon in the third degree and failing to signal.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him upon a jury verdict of criminal possession of a weapon in the third degree (Penal Law § 265.02 [1]) and failing to signal (Vehicle and Traffic Law § 1163 [b]). Defendant's challenge to the legal sufficiency of the evidence is unreserved for our review because "his motion for a trial order of dismissal was not specifically directed at the grounds advanced on appeal" (*People v Wright*, 107 AD3d 1398, 1401; see *People v Gray*, 86 NY2d 10, 19). Further, defendant's posttrial motion pursuant to CPL 330.30 was insufficient to preserve for our review that contention (see *People v Jones*, 85 AD3d 1667, 1668, lv denied 19 NY3d 974), and we decline to exercise our power to review it as a matter of discretion in the interest of justice (see CPL 470.15 [6] [a]).

Entered: September 27, 2013

Frances E. Cafarell
Clerk of the Court