

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 61 SSM 1
The People &c.,
Respondent,
v.
Cadarell D. Clark,
Appellant.

Submitted by Mary M. Whiteside, for appellant.
Submitted by Amy N. Walendziak, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed.

Defendant was convicted of, inter alia, robbery in the first degree (Penal Law § 160.15 [4]) after a jury trial at which one of the victims identified him as one of the two

persons who robbed her at gunpoint while she was seated in the passenger seat of a vehicle in mid-afternoon. Defendant contends that the evidence of identity was legally insufficient because the victim's identification was unreliable as a matter of law. To the extent that defendant preserved his contention for our review, we reject it. Viewing the evidence in the light most favorable to the People (*see People v Contes*, 60 NY2d 620, 621 [1983]), “ ‘there is a valid line of reasoning and permissible inferences from which a rational jury could have found the elements of the crime proved beyond a reasonable doubt’ ” (*People v Danielson*, 9 NY3d 342, 349 [2007]; *see People v Calabria*, 3 NY3d 80, 81-82 [2004]).

Contrary to defendant's further contention, under the circumstances, the court's denial of his request to instruct the jury on photo array procedures does not constitute reversible error (*see People v Inniss*, 83 NY2d 653, 658-659 [1994]). Defendant failed to preserve his remaining challenges to the jury instruction for our review (*see People v Harper*, 7 NY3d 882, 882-883 [2006]).

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided April 10, 2025