

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

D54338
M/htr

_____AD3d_____

Argued - October 24, 2017

RUTH C. BALKIN, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
VALERIE BRATHWAITE NELSON, JJ.

2011-11756

DECISION & ORDER

The People, etc., respondent, v Abraham Angel
Vasquez, also known as Juan Velazquez, appellant.

(Ind. No. 3293/10)

Paul Skip Laisure, New York, NY (A. Alexander Donn of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Amy Appelbaum,
and Arieh Schulman of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Neil
Jon Firetog, J.), rendered December 1, 2011, convicting him of murder in the second degree and
criminal possession of a weapon in the fourth degree (two counts), upon a jury verdict, and imposing
sentence.

ORDERED that the judgment is affirmed.

The defendant's contention that he was deprived of a fair trial by the admission of
certain evidence regarding whether he was a member of a gang is unpreserved for appellate review
(*see* CPL 470.05[2]; *People v Green*, 110 AD3d 825, 826). In any event, any error in admitting such
evidence was harmless, as there was overwhelming evidence of the defendant's guilt, and no
significant probability that any error contributed to his convictions (*see People v Crimmins*, 36 NY2d
230, 240-241).

The defendant's contention that he was unfairly prejudiced by several remarks made
by the prosecutor during summation is unpreserved for appellate review (*see* CPL 470.05[2]). In any
event, the challenged remarks were proper responses to arguments made by defense counsel on
summation or fair comment on the evidence (*see People v Halm*, 81 NY2d 819, 821; *People v*


Adamson, 131 AD3d 701, 703).

Further, defense counsel's failure to move to redact the portions of the defendant's videotaped interview relating to the defendant's tattoos and to object to the prosecutor's remarks made during summation did not constitute ineffective assistance of counsel (*see People v Benevento*, 91 NY2d 708, 713-714; *People v Ramirez*, 146 AD3d 987, 988; *People v Manigat*, 136 AD3d 614, 616; *People v Ervin*, 118 AD3d 910, 912).

Finally, the sentence imposed was not excessive (*see People v Suitte*, 90 AD2d 80).

BALKIN, J.P., AUSTIN, SGROI and BRATHWAITE NELSON, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court