

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

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Submitted - November 14, 2017

LEONARD B. AUSTIN, J.P.  
SHERI S. ROMAN  
SANDRA L. SGROI  
VALERIE BRATHWAITE NELSON, JJ.

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2016-00024

DECISION & ORDER

The People, etc., respondent,  
v Wesner Pierre, appellant.

(Ind. No. 14-00397)

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Arleen Lewis, Blauvelt, NY, for appellant.

Thomas P. Zugibe, District Attorney, New City, NY (Itamar J. Yeager of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Rockland County (William A. Kelly, J.), rendered November 18, 2015, convicting him of arson in the third degree, assault in the second degree, criminal possession of a weapon in the third degree, and criminal mischief in the fourth degree, after a nonjury trial, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant's sole contention on appeal is that his statement to police made on November 20, 2014, was taken in violation of his right to counsel. This contention is academic, as that statement was suppressed after a pretrial hearing and was not used at trial (*see People v Pearson*, 93 AD3d 1343; *People v Gilot*, 20 AD3d 489).

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

ENTER:



Aprilanne Agostino  
Clerk of the Court

March 7, 2018

PEOPLE v PIERRE, WESNER