

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

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_____AD3d_____

Submitted - November 28, 2017

MARK C. DILLON, J.P.
LEONARD B. AUSTIN
SANDRA L. SGROI
BETSY BARROS, JJ.

2015-10022

DECISION & ORDER

The People, etc., respondent, v Connie L. Boykin,
also known as Connie Boykin, appellant.

(Ind. No. 14-00702)

John P. Savoca, Yorktown, NY, for appellant.

David M. Hoovler, District Attorney, Middletown, NY (Andrew R. Kass of counsel),
for respondent.

Appeal by the defendant from a judgment of the County Court, Orange County
(Nicholas De Rosa, J.), rendered September 25, 2015, convicting him of criminal possession of a
weapon in the third degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

In fulfilling our responsibility to conduct an independent review of the weight of the
evidence (*see* CPL 470.15[5]; *People v Danielson*, 9 NY3d 342, 348-349), we accord great deference
to the jury's opportunity to view the witnesses, hear the testimony, and observe demeanor (*see*
People v Mateo, 2 NY3d 383, 410; *People v Bleakley*, 69 NY2d 490, 495). Upon reviewing the
record here, we are satisfied that the verdict of guilt of criminal possession of a weapon in the third
degree was not against the weight of the evidence (*see* CPL 470.15[5]; *People v Romero*, 7 NY3d
633). Contrary to the defendant's contention, his conduct was not consistent with innocent
possession (*see People v Banks*, 76 NY2d 799, 800-801; *People v Rossi*, 99 AD3d 947, 951, *affd* 24
NY3d 968; *People v Sheehan*, 41 AD3d 335; *see also People v Williams*, 50 NY2d 1043, 1044-1045;
People v Crawford, 96 AD3d 964; *People v Hawkins*, 258 AD2d 472). Moreover, the defendant's

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contention that the verdict was inconsistent and, thus, against the weight of the evidence, is without merit (*see People v Kypri*, 149 AD3d 980; *see also People v Almodovar*, 62 NY2d 126, 130; *People v Messina*, 209 AD2d 642, 643).

DILLON, J.P., AUSTIN, SGROI and BARROS, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court