

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

D54848  
M/htr

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Argued - December 1, 2017

WILLIAM F. MASTRO, J.P.  
RUTH C. BALKIN  
FRANCESCA E. CONNOLLY  
LINDA CHRISTOPHER, JJ.

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2016-03008

DECISION & ORDER

The People, etc., respondent,  
v Stephen Komara, appellant.

(Ind. No. 975-14)

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Scott Lockwood, North Babylon, NY, for appellant.

Patricia Gunning, Delmar, NY (Robin A. Forshaw and Spalding Powers Warner of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Suffolk County (William J. Condon, J.), rendered February 22, 2016, convicting him of endangering the welfare of an incompetent or physically disabled person in the second degree (two counts), after a nonjury trial, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant, who worked as a caregiver for disabled adults in a group home, was convicted of two counts of endangering the welfare of an incompetent or physically disabled person in the second degree following an incident in which he failed to intervene to stop one resident from physically assaulting another resident.

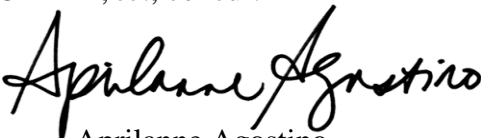
Viewing the evidence in the light most favorable to the prosecution (*see People v Contes*, 60 NY2d 620), we find that it was legally sufficient to establish the defendant's guilt beyond a reasonable doubt. Moreover, upon the exercise of our factual review power, we are satisfied that the verdict of guilt was not against the weight of the evidence (*see* CPL 470.15[5]).

The defendant's contention that his convictions could not be based on the testimony

of his coworker, who was convicted of endangering the welfare of an incompetent or physically disabled person in the first degree stemming from the same incident, because the coworker was an accomplice and his testimony was not sufficiently corroborated, is unpreserved for appellate review (*see* CPL 470.05[2]; *People v Gray*, 86 NY2d 10). In any event, the coworker’s testimony was sufficiently corroborated by video evidence that “tend[ed] to connect the defendant with the commission of the crime in such a way as may reasonably satisfy the [trier of fact] that the accomplice [was] telling the truth” (*People v Reome*, 15 NY3d 188, 192, quoting *People v Dixon*, 231 NY 111, 116; *see* CPL 60.22[1]).

The defendant’s remaining contention is unpreserved for appellate review and, in any event, without merit.

MASTRO, J.P., BALKIN, CONNOLLY and CHRISTOPHER, JJ., concur.

ENTER:   
Aprilanne Agostino  
Clerk of the Court