

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

D56326  
L/htr

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - March 26, 2018

JOHN M. LEVENTHAL, J.P.  
SANDRA L. SGROI  
HECTOR D. LASALLE  
VALERIE BRATHWAITE NELSON, JJ.

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2016-10951

DECISION & ORDER

The People, etc., respondent,  
v Jacob Sabbagh, appellant.

(Ind. No. 10139/14)

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Michael L. Soshnick, Mineola, NY, for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Jodi L. Mandel, and Kristen A. Carroll of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Alan D. Marrus, J.), rendered September 7, 2016, convicting him of course of sexual conduct against a child in the second degree, upon a jury verdict, and imposing sentence. By decision and order on motion dated April 25, 2017, this Court, inter alia, granted the defendant's motion to extend a stay of execution of the judgment, which was granted by an order of the Supreme Court, Kings County, dated September 7, 2016, and previously extended by decision and order of this Court dated January 18, 2017, pending the hearing and determination of the appeal.

ORDERED that the judgment is affirmed, and the matter is remitted to the Supreme Court, Kings County, for further proceedings pursuant to CPL 460.50(5).

The defendant contends the verdict of guilt was against the weight of the evidence. 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 nevertheless 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

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record here, we are satisfied that the verdict of guilt was not against the weight of the evidence (*see People v Romero*, 7 NY3d 633).

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

LEVENTHAL, J.P., SGROI, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:

A handwritten signature in black ink, appearing to read "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court