

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

D56757
M/htr

_____AD3d_____

Argued - June 1, 2018

WILLIAM F. MASTRO, J.P.
CHERYL E. CHAMBERS
SANDRA L. SGROI
JOSEPH J. MALTESE, JJ.

2016-12505

DECISION & ORDER

The People, etc., respondent,
v Juan Rodriguez, appellant.

(Ind. No. 1902/15)

Judah Maltz, Kew Gardens, NY, for appellant.

Madeline Singas, District Attorney, Mineola, NY (Judith R. Sternberg and Hilda Mortensen of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Meryl J. Berkowitz, J.), rendered November 16, 2016, convicting him of criminal possession of a weapon in the second degree, perjury in the first degree, perjury in the second degree (two counts), tampering with physical evidence (two counts), making a punishable false written statement (two counts), criminal contempt in the second degree (two counts), and criminal mischief in the fourth degree, upon a jury verdict, and imposing sentence.

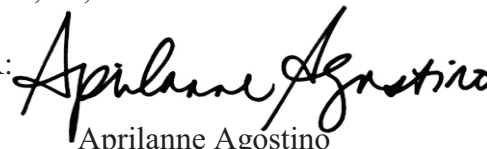
ORDERED that the judgment is affirmed.

In fulfilling our responsibility to conduct an independent review of the weight of the evidence (*see* CPL 470.15[5]), 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). Upon reviewing the record here, we are satisfied that the verdict of guilt was not against the weight of the evidence (*see People v Danielson*, 9 NY3d 342; *People v Romero*, 7 NY3d 633).

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

MASTRO, J.P., CHAMBERS, SGROI and MALTESE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

October 3, 2018

PEOPLE v RODRIGUEZ, JUAN