

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

D57029  
M/htr

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

Argued - September 7, 2018

RUTH C. BALKIN, J.P.  
SANDRA L. SGROI  
HECTOR D. LASALLE  
BETSY BARROS, JJ.

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2014-09154

DECISION & ORDER

The People, etc., respondent,  
v Maurice Bryant, appellant.

(Ind. No. 10065/90)

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The Legal Aid Society, New York, NY (Harold V. Ferguson, Jr., of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove and Keith Dolan of counsel), for respondent.

Appeal by the defendant pursuant to CPL 450.10(5) from an order of the Supreme Court, Kings County (Neil Jon Firetog, J.), entered August 28, 2014, which denied, without a hearing, his motion pursuant to CPL 440.30(1-a) for forensic DNA testing of certain evidence.

ORDERED that the order is affirmed.

We agree with the Supreme Court's determination to deny, without a hearing, the defendant's motion pursuant to CPL 440.30(1-a) for forensic DNA testing of certain evidence, since the defendant failed to show that there was a reasonable probability that the verdict would have been more favorable to him had DNA tests been performed and the results admitted at trial (*see* CPL 440.30[1-a]; *People v Villafane*, 129 AD3d 748, 748; *People v Griffin*, 121 AD3d 1127, 1127; *People v Johnson*, 112 AD3d 969, 969-970).

BALKIN, J.P., SGROI, LASALLE and BARROS, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court

October 24, 2018

PEOPLE v BRYANT, MAURICE