

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

D57085  
T/hd

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

Argued - June 18, 2018

RUTH C. BALKIN, J.P.  
JOHN M. LEVENTHAL  
ROBERT J. MILLER  
JOSEPH J. MALTESE, JJ.

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2015-11102

DECISION & ORDER

The People, etc., respondent,  
v Luis Perez, appellant.

(Ind. No. 2060/14)

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Paul Skip Laisure, New York, NY (Joshua M. Levine of counsel), for appellant.

Eric Gonzalez, District Attorney, Brooklyn, NY (Leonard Joblove, Solomon Neubort, and Joyce Adolfsen of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Danny K. Chun, J.), rendered October 15, 2015, convicting him of murder in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

As the People state, and as the defendant concedes, his objection to the admission of certain audiotape recordings on audibility grounds is unpreserved for appellate review (*see People v Bailey*, 12 AD3d 377). In any event, although background noise made some portions of the recordings inaudible, the remainder was sufficiently clear to permit the jury to understand the contents without resorting to speculation (*see People v Johnson*, 151 AD3d 1462, 1463; *People v McCaw*, 137 AD3d 813, 815; *People v Griffin*, 98 AD3d 688, 689).


The defendant contends that the Supreme Court erred in admitting a witness's testimony because that testimony constituted double hearsay (*see generally People v Brooks*, 31 NY3d 939, 942). To the extent that the admission of the testimony was improper, contrary to the defendant's contention, it did not deprive the defendant of his constitutional right to a fair trial, and

any other error in this regard was harmless, as there was overwhelming evidence of the defendant's guilt, and no significant probability that the errors contributed to the defendant's conviction (*see People v Crimmins*, 36 NY2d 230, 241-242; *see also People v Brooks*, 31 NY3d at 942).

The defendant's remaining contentions are without merit.

BALKIN, J.P., LEVENTHAL, MILLER and MALTESE, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court