

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

D57289
G/htr

_____AD3d_____

Submitted - April 20, 2018

WILLIAM F. MASTRO, J.P.
RUTH C. BALKIN
SYLVIA O. HINDS-RADIX
ANGELA G. IANNACCI, JJ.

2016-11798

DECISION & ORDER

The People, etc., respondent,
v Todd Slavik, appellant.

(Ind. No. 1225/96)

Laurette D. Mulry, Riverhead, NY (Lisa A. Marcoccia of counsel), for appellant.

Timothy D. Sini, District Attorney, Riverhead, NY (Glenn Green of counsel), for respondent.

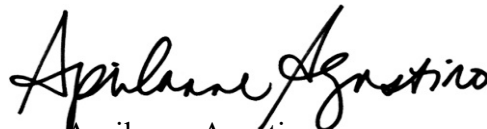
Appeal by the defendant pursuant to CPL 450.10(5) from an order of the Supreme Court, Suffolk County (Mark D. Cohen, J.), dated August 18, 2016, which denied, without a hearing, his motion pursuant to CPL 440.30(1-a) for forensic DNA testing of certain evidence.

ORDERED that the order is affirmed.

The defendant's motion pursuant to CPL 440.30(1-a) for DNA testing of evidence was properly denied, as the defendant failed to allege any facts demonstrating that there was a reasonable probability that the verdict would have been more favorable to him had DNA testing been performed and the results been admitted at trial (*see People v Pitts*, 4 NY3d 303, 311; *People v Gentile*, 156 AD3d 814; *People v Letizia*, 141 AD3d 1129; *People v Kaminski*, 61 AD3d 1113, 1115; *People v Williams*, 47 AD3d 648; *People v Fuentes*, 44 AD3d 871; *People v Mattocks*, 15 AD3d 676, 677).

MASTRO, J.P., BALKIN, HINDS-RADIX and IANNACCI, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

November 14, 2018

PEOPLE v SLAVIK, TODD