

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1059

KA 19-01453

PRESENT: CENTRA, J.P., LINDLEY, NEMOYER, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

RICHARD BROWN, DEFENDANT-APPELLANT.

FRANK H. HISCOCK LEGAL AID SOCIETY, SYRACUSE (THOMAS M. LEITH OF COUNSEL), FOR DEFENDANT-APPELLANT.

WILLIAM J. FITZPATRICK, DISTRICT ATTORNEY, SYRACUSE (DARIENN P. BALIN OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Onondaga County Court (Matthew J. Doran, J.), rendered July 15, 2019. The judgment convicted defendant upon his plea of guilty of criminal possession of a controlled substance in the third degree, criminal possession of a weapon in the second degree and criminal possession of a weapon in the fourth degree.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him upon his plea of guilty of, inter alia, criminal possession of a weapon in the second degree (Penal Law § 265.03 [3]). Contrary to defendant's contention, County Court properly determined that his statement at the precinct was attenuated from his allegedly illegal arrest (*see United States v Cobb*, 182 F3d 933, *3 [10th Cir 1999]; *United States v Edmondson*, 791 F2d 1512, 1515-1516 [11th Cir 1986]; *People v Bradford*, 15 NY3d 329, 333-334 [2010]; *see also Rawlings v Kentucky*, 448 US 98, 110 [1980]). The court thus properly refused to suppress that statement (*see Bradford*, 15 NY3d at 333-334).

Entered: December 23, 2021

Ann Dillon Flynn
Clerk of the Court