

State of New York Court of Appeals

MEMORANDUM

This memorandum is uncorrected and subject to revision before publication in the New York Reports.

No. 45 SSM 1
The People &c.,
Respondent,
v.
Perry Pendell,
Appellant.

Submitted by Matthew C. Hug, for appellant.
Submitted by Trevor O. Flike, for respondent.

MEMORANDUM:

The order of the Appellate Division, insofar as appealed from, should be affirmed. The contested photographs were sufficiently authenticated through the testimony of the complainant and the law enforcement agents who extracted the photographs from the

defendant's cell phone and computers (see People v Byrnes, 33 NY2d 343, 347 [1974]).

Accordingly, County Court did not abuse its discretion in admitting the evidence.

Defendant's remaining arguments lack merit.

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On review of submissions pursuant to section 500.11 of the Rules, order, insofar as appealed from, affirmed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

Decided March 21, 2019