

State of New York Court of Appeals

MEMORANDUM

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

No. 64 SSM 6
The People &c.,
Respondent,
v.
Edmond Huertas,
Appellant.

Submitted by De Nice Powell, for appellant.
Submitted by Amanda Iannuzzi, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed.

Under the unique circumstances presented, Supreme Court did not abuse its discretion in reserving decision on the People's pre-trial *Molineux* application which sought to cross-examine defendant regarding the underlying facts of his prior gun-related convictions until after defendant's testimony, at which time the court could determine

whether, and to what extent, defendant opened the door to such inquiry (*see People v Molineux*, 168 NY 264, 294 [1901]; *People v Ingram*, 71 NY2d 474, 479 [1988]). In any event, any error that may have occurred in the court's *Molineux* rulings was harmless (*see People v Grant*, 7 NY3d 421, 424-426 [2006]).

On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Garcia, Singas, Cannataro and Troutman concur. Judge Wilson dissents and votes to reverse and order a new trial, for reasons stated in the dissenting opinion of Justice Cheryl E. Chambers at the Appellate Division (186 AD3d 731, 734-740 [Chambers, J.P., dissenting]).

Decided June 14, 2022