

State of New York Court of Appeals

MEMORANDUM

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

No. 21
The People &c.,
Respondent,
v.
Michael Johnson,
Appellant.

De Nice Powell, for appellant.
Nancy Fitzpatrick Talcott, for respondent.

MEMORANDUM:

The Appellate Division order should be affirmed.

Defendant Michael Johnson appeals from the Appellate Division order affirming two judgments of conviction and sentence. On the facts of this case, assuming without deciding that the trial court erroneously denied defendant's motion to suppress, any such

error was harmless (see People v Crimmins, 36 NY2d 230 [1975]). Defendant's other claims of trial error and prosecutorial misconduct are without merit (see CPL 240.50; People v Almodovar, 62 NY2d 126, 133 [1984]; People v Davis, 58 NY2d 1102, 1104 [1983]).

* * * * *

Order affirmed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

Decided March 22, 2018