

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

D54893  
M/hu

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Argued - December 7, 2017

REINALDO E. RIVERA, J.P.  
LEONARD B. AUSTIN  
FRANCESCA E. CONNOLLY  
ANGELA G. IANNACCI, JJ.

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2014-07025

DECISION & ORDER

The People, etc., respondent,  
v Jose Fuertes, appellant.

(Ind. No. 2576/10)

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Matthew W. Brissenden, Garden City, NY, for appellant.

Madeline Singas, District Attorney, Mineola, NY (Andrea M. DiGregorio and Ilisa T. Fleischer of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Nassau County (Teresa K. Corrigan, J.), rendered July 15, 2014, convicting him of robbery in the first degree (two counts), robbery in the second degree, burglary in the first degree (two counts), and conspiracy in the fourth degree, upon his plea of guilty, and imposing sentence. The appeal brings up for review the denial, after a hearing, of those branches of the defendant's omnibus motion which were to suppress physical evidence and his statements to law enforcement officials.

ORDERED that the judgment is affirmed.

The defendant contends that the Supreme Court erred in crediting the testimony of the police witnesses at the suppression hearing because it was incredible and patently tailored to overcome constitutional objections. Contrary to his contention, the court properly credited this testimony (*see People v Giler*, 148 AD3d 1053; *People v Holland*, 133 AD3d 779; *People v Kelly*, 131 AD3d 484, 485; *People v Spann*, 82 AD3d 1013, 1014; *People v Glenn*, 53 AD3d 622, 623).

Moreover, the defendant's motion to reopen the suppression hearing was properly denied (*see CPL 710.40[4]*; *People v Mercado*, 62 NY2d 866, 867; *People v Giler*, 148 AD3d at

March 28, 2018

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1054).

The defendant's remaining contentions are without merit.

RIVERA, J.P., AUSTIN, CONNOLLY and IANNACCI, JJ., concur.

ENTER:

  
Aprilanne Agostino  
Clerk of the Court