

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

D21382
C/hu

_____AD3d_____

Argued - November 17, 2008

STEVEN W. FISHER, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
ARIEL E. BELEN, JJ.

2006-02822

DECISION & ORDER

The People, etc., respondent,
v Richard Brown, appellant.

(Ind. No. 476/05)

Lynn W. L. Fahey, New York, N.Y. (John Gemmill of counsel), for appellant.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Nicoletta J. Caferri, and Rebecca Height of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Queens County (Lasak, J.), rendered February 16, 2006, convicting him of rape in the first degree, burglary in the first degree, and burglary in the second degree, upon a jury verdict, and imposing sentence.

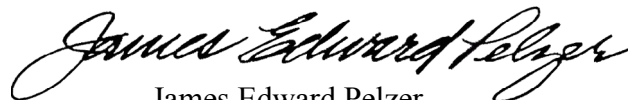
ORDERED that the judgment is affirmed.

The defendant's contentions that his convictions of rape in the first degree and burglary in the first degree were not supported by legally sufficient evidence are unpreserved for appellate review (*see* CPL 470.05[2]; *People v Gray*, 86 NY2d 10, 19; *People v Sadler*, 49 AD3d 670) and we decline to review them in the exercise of our interest of justice jurisdiction.

The defendant's remaining contentions either are without merit or cannot be determined on this record.

FISHER, J.P., ANGIOLILLO, DICKERSON and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 9, 2008

PEOPLE v BROWN, RICHARD