

# State of New York Court of Appeals

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## MEMORANDUM

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

No. 107 SSM 8  
The People &c.,  
Respondent,  
v.  
Rafael Sanabria,  
Appellant.

Submitted by Margaret E. Knight, for appellant.  
Submitted by Dana Poole, for respondent.

### MEMORANDUM:

The order of the Appellate Division should be affirmed. To the extent defendant contends that the trial court infringed on his right to present a defense by limiting his expert's testimony regarding the procedural history of defendant's prior conviction, that

contention is unpreserved. The trial court did not otherwise abuse its discretion by restricting the expert’s testimony or by admitting some, but not all, evidence related to defendant’s prior period of incarceration (see People v Santarelli, 49 NY2d 241, 248-249 [1980]). On this record, defendant failed to demonstrate that he was denied the effective assistance of counsel (see People v Rivera, 71 NY2d 705, 709 [1988]). Defendant’s remaining contentions lack merit.

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

Decided June 7, 2018