

State of New York Court of Appeals

MEMORANDUM

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

No. 45 SSM 5
The People &c.,
Respondent,
v.
Alex Perez,
Appellant.

Submitted by Matthew C. Hug, for appellant.
Submitted by Emily Schultz, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed. Any error was harmless because, in the circumstances presented, the proof of defendant's guilt was overwhelming, even after excising the disputed evidence. Further, no reasonable possibility exists that

admission of that evidence contributed to defendant's conviction (*see People v Mairena*, 34 NY3d 473, 484-485 [2019]; *People v Crimmins*, 36 NY2d 230, 237, 241-242 [1975]). Defendant's arguments concerning the weight of the evidence and the harshness of his sentence are not reviewable, and his other assertions are unavailing.

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 and Wilson concur.

Decided March 30, 2021