



People v. Brockington

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WILLIAM F. MASTRO, J.P., FRED T. SANTUCCI, PETER B. SKELOS and THOMAS A. DICKERSON, JJ.

(Ind. No. 2214/03)

DECISION & ORDER

ORDERED that the judgment is affirmed.

The defendant contends that he was denied his due process right to a fair trial because the prosecutor and the court failed to timely inform him that the complaining witness had died. The defendant's argument is unpreserved for appellate review (see CPL 470.05[2]; *People v Gray*, 86 NY2d 10, 19). In any event, in view of the overwhelming evidence of the defendant's guilt, we find that a reversal of the conviction is not warranted (see *People v Rice*, 69 NY2d 781; *People v Crimmins*, 36 NY2d 230, 241).

MASTRO, J.P., SANTUCCI, SKELOS and DICKERSON, JJ., concur.

