

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

818

**KA 18-01993**

PRESENT: SMITH, J.P., CARNI, NEMOYER, TROUTMAN, AND WINSLOW, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ANTHONY C. WILLIAMS, DEFENDANT-APPELLANT.

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AMDURSKY, PELKY, FENNEL & WALLEN, P.C., OSWEGO (COURTNEY S. RADICK OF COUNSEL), FOR DEFENDANT-APPELLANT.

GREGORY S. OAKES, DISTRICT ATTORNEY, OSWEGO (AMY L. HALLENBECK OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Supreme Court, Oswego County (James W. McCarthy, J.), rendered September 13, 2018. The judgment convicted defendant upon a jury verdict of criminal sexual act in the first degree, attempted rape in the third degree, rape in the third degree and endangering the welfare of a child.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him upon a jury verdict of, inter alia, criminal sexual act in the first degree (Penal Law § 130.50 [2]). We affirm.

Weight of the evidence review "involves a 'two-step approach' wherein a [reviewing] court must (1) 'determine whether, based on all the credible evidence, an acquittal would not have been unreasonable'; and[, if yes,] (2) 'weigh the relative probative force of conflicting testimony and the relative strength of conflicting inferences that may be drawn from the testimony' " (*People v Sanchez*, 32 NY3d 1021, 1023 [2018]; see *People v Delamota*, 18 NY3d 107, 116-117 [2011]). We thus reject defendant's contention that a guilty verdict is automatically against the weight of the evidence whenever an acquittal would not have been unreasonable (see *People v Danielson*, 9 NY3d 342, 348-349 [2007]; *People v Bleakley*, 69 NY2d 490, 495 [1987]). We also reject defendant's ineffective assistance of counsel claim (see *People v Tetro*, 181 AD3d 1286, 1288 [4th Dept 2020], lv denied 35 NY3d 1070 [2020]; *People v Vincenty*, 138 AD3d 428, 428-429 [1st Dept 2016], lv denied 27 NY3d 1156 [2016]; *People v Martinez*, 35 AD3d 156, 157 [1st Dept 2006], lv denied 8 NY3d 924 [2007]). The sentence is not unduly

harsh or severe. Defendant's remaining contentions are unpreserved.

Entered: November 19, 2021

Ann Dillon Flynn  
Clerk of the Court