

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

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KA 18-00222

PRESENT: SMITH, J.P., BANNISTER, MONTOUR, DELCONTE, AND HANNAH, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

ALEXANDER WHITEHILL RIDEOUT, DEFENDANT-APPELLANT.

JULIE CIANCA, PUBLIC DEFENDER, ROCHESTER, BANASIAK LAW OFFICE, PLLC, SYRACUSE (PIOTR BANASIAK OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (MARTIN P. MCCARTHY, II, OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County (Thomas E. Moran, J.), rendered October 24, 2017. The judgment convicted defendant, upon a jury verdict, of tampering with physical evidence (two counts).

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 two counts of tampering with physical evidence (Penal Law § 215.40 [2]). Contrary to defendant's contention, we conclude that the indictment and bill of particulars provided defendant with "fair notice of the accusations made against him, so that he [was] able to prepare a defense" (*People v Iannone*, 45 NY2d 589, 594 [1978]; see *People v Schulz*, 32 AD3d 1224, 1224 [4th Dept 2006]; see generally *People v Morris*, 61 NY2d 290, 293-296 [1984]). Contrary to defendant's further contention, we conclude that the circumstantial evidence, when viewed in the light most favorable to the People (see *People v Hines*, 97 NY2d 56, 62 [2001], *rearg denied* 97 NY2d 678 [2001]), is legally sufficient to support the conviction (see *People v Neulander*, 221 AD3d 1412, 1412-1413 [4th Dept 2023], *lv denied* 41 NY3d 984 [2024]; *People v Maull*, 167 AD3d 1465, 1466 [4th Dept 2018], *lv denied* 33 NY3d 951 [2019]). Finally, viewing the evidence in light of the elements of the crimes as charged to the jury (see *People v Danielson*, 9 NY3d 342, 349 [2007]), we conclude that the verdict is not against the weight of the evidence (see generally *People v Bleakley*, 69 NY2d 490, 495 [1987]).

Entered: September 27, 2024

Ann Dillon Flynn
Clerk of the Court