

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

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KA 09-02280

PRESENT: SMITH, J.P., FAHEY, PERADOTTO, SCONIERS, AND VALENTINO, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

MARGARET MOONEY, DEFENDANT-APPELLANT.

JASON J. BOWMAN, ONTARIO, FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (NANCY GILLIGAN OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Monroe County Court (Richard A. Keenan, J.), rendered June 18, 2009. The judgment convicted defendant, upon a jury verdict, of robbery in the second degree (two counts) and assault in the second degree.

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

Memorandum: On appeal from a judgment convicting her following a jury trial of assault in the second degree (Penal Law § 120.05 [6]) and two counts of robbery in the second degree (§ 160.10 [1], [2] [a]), defendant contends that the evidence of physical injury is legally insufficient to support her conviction. Because defendant's motion for a trial order of dismissal was not " 'specifically directed' at th[at] alleged error," defendant failed to preserve her contention for our review (*People v Gray*, 86 NY2d 10, 19). Contrary to defendant's further contention, viewing the evidence in light of the elements of the crimes as charged to the jury (*see People v Danielson*, 9 NY3d 342, 349), we conclude that the verdict is not against the weight of the evidence (*see generally People v Bleakley*, 69 NY2d 490, 495; *People v Robinson*, 104 AD3d 1312, 1312, lv denied 21 NY3d 1008).

Entered: May 2, 2014

Frances E. Cafarell
Clerk of the Court