

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

1180

KA 13-01709

PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, NEMOYER, AND CURRAN, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

TANISHA M. DAVIS, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER, SULLIVAN & CROMWELL, LLP, NEW YORK CITY (ZACHARY G. MARKARIAN OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (LEAH MERVINE OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Monroe County (Alex R. Renzi, J.), rendered September 18, 2013. The judgment convicted defendant, upon a jury verdict, of manslaughter in the first degree.

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

Memorandum: Defendant appeals from a judgment convicting her, upon a jury verdict, of manslaughter in the first degree (Penal Law § 125.20 [1]). Contrary to defendant's contention, the verdict is not against the weight of the evidence when viewed in light of the elements of the crime as charged to the jury (*see generally People v Danielson*, 9 NY3d 342, 349 [2007]; *People v Bleakley*, 69 NY2d 490, 495 [1987]). Contrary to defendant's further contention, we conclude that she received meaningful representation (*see generally People v Benevento*, 91 NY2d 708, 711-714 [1998]; *People v Baldi*, 54 NY2d 137, 147 [1981]). We conclude that the sentence is not unduly harsh or severe. Defendant failed to preserve her remaining contentions for our review (*see generally CPL 470.05 [2]*), and we decline to exercise our power to review them as a matter of discretion in the interest of justice (*see CPL 470.15 [6] [a]*).

Entered: December 22, 2017

Mark W. Bennett
Clerk of the Court