

State of New York
Supreme Court, Appellate Division
Third Judicial Department

Decided and Entered: October 26, 2017

107818

THE PEOPLE OF THE STATE OF
NEW YORK,

Respondent,

v

MEMORANDUM AND ORDER

NICHOLAS B. STYLES,

Appellant.

Calendar Date: September 8, 2017

Before: McCarthy, J.P., Egan Jr., Lynch, Devine and
Pritzker, JJ.

David E. Butler, Vestal, for appellant.

Weeden A. Wetmore, District Attorney, Elmira (Damian M.
Sonsire of counsel), for respondent.

McCarthy, J.P.

Appeal from a judgment of the County Court of Chemung
County (Hayden, J.), rendered May 18, 2015, upon a verdict
convicting defendant of the crimes of aggravated unlicensed
operation of a motor vehicle in the first degree and driving
while ability impaired.

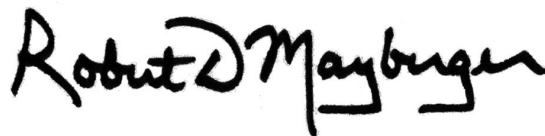
Defendant was convicted after trial of aggravated
unlicensed operation of a motor vehicle in the first degree and
driving while ability impaired. He now argues that the
prosecutor's summation exceeded the bounds of appropriate
comment, thereby depriving him of a fair trial. This argument is
largely unpreserved because at trial defendant objected to only
one of the comments that he now attacks (see People v Wynn, 149

AD3d 1252, 1255 [2017], lv denied 29 NY3d 1136 [2017]; People v Rivera, 124 AD3d 1070, 1074-1075 [2015], lvs denied 26 NY3d 971 [2015]; People v Hawkins, 110 AD3d 1242, 1243-1244 [2013], lv denied 22 NY3d 1041 [2013]). Considering that County Court sustained the sole objection, that comment did not deprive defendant of a fair trial. Although defendant complains that the court did not give any limiting instructions, none were requested, rendering this contention unpreserved as well. In relation to these unpreserved arguments, we decline to take corrective action in the interest of justice. Accordingly, we affirm.

Egan Jr., Lynch, Devine and Pritzker, JJ., concur.

ORDERED that the judgment is affirmed.

ENTER:

A handwritten signature in black ink that reads "Robert D. Mayberger". The signature is written in a cursive, slightly slanted style.

Robert D. Mayberger
Clerk of the Court