



Office of the District Attorney
P. David Soares
6 Lodge Street
Albany, New York 12207
(518) 487-5460
(518) 487-5093 FAX

CONTACT: CECILIA WALSH, (518) 275-4710
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NYS Appellate Division Unanimously Upholds Six Separate Convictions



ALBANY, NY- District Attorney P. David Soares announced today that the New York State Supreme Court Appellate Division, Third Department, unanimously affirmed six separate cases that were prosecuted by the Albany County District Attorney's Office.

People vs. WILLIAM BELLAMY:

On November 7, 2011, BELLAMY was convicted after jury trial of (1) Count of Criminal Possession of a Weapon in the Second Degree, (1) Count of Criminal Possession of a Controlled Substance in the Fourth Degree, and (1) Count of Criminal Possession of a Weapon in the Third Degree.

On June 23, 2010, Albany City Police were called about a man who had a gun on the street and then went into a house. Police responded to the location and found a gun and heroin at the

house. The defendant appealed, arguing legal sufficiency of the evidence and also challenging the search of the house. The decision to unanimously uphold the conviction can be found [here](#).

This trial was prosecuted by Assistant District Attorney Daniel Lynch. Assistant District Attorney Steven Sharp of the Legal Affairs Bureau argued to uphold the conviction of this defendant.

People v. MARC PHAM:

On September 20, 2012, PHAM was convicted after a jury trial of (1) Count of Rape in the First Degree, (1) Criminal Sexual Act in the First Degree, (1) Criminal Contempt in the First Degree, Criminal Contempt in the Second Degree and (1) Count of Tampering with a Witness in the Fourth Degree. The victim in the case passed away due to unrelated causes prior to trial. The defendant appealed, challenging the medical records that contained statements from the victim, and challenging his inability to cross-examine the victim because she was deceased. The decision to unanimously uphold the conviction can be found [here](#).

This trial was prosecuted by Assistant District Attorney Chantelle Cleary. Assistant District Attorney Steven Sharp of the Legal Affairs Bureau argued to uphold the conviction of this defendant.

People v. HECTOR ACEVEDO:

On March 4, 2011, ACEVEDO was convicted after a jury trial of (1) Count of Criminal Possession of a Controlled Substance in the Third Degree, (1) Count of Assault in the Second Degree, and (1) Count of Resisting Arrest. ACEVEDO was stopped in a vehicle on I-90, where police found heroin in his vehicle. ACEVEDO ran from the scene and the police chased and eventually caught him. ACEVEDO then fought with the police, and injured an officer. The defendant appealed, challenging sufficiency of evidence and perceived inconsistent testimony given by an officer. The decision to unanimously uphold the conviction can be found [here](#).

This trial was prosecuted by Assistant District Attorney Kurt Haas. Assistant District Attorney Steven Sharp of the Legal Affairs Bureau argued to uphold the conviction of this defendant.

People v. CHARLES LLOYD

On December 13, 2011, LLOYD was convicted of (2) Counts of Criminal Possession of a Forged Instrument in the Second Degree, (4) Counts of Criminal Possession of Stolen Property in the Fourth Degree, (11) Counts Unlawful Possession of Personal Identification Information in the Third Degree.

LLOYD, along with an accomplice, obtained stolen identification cards through various illegal means. The pair would then use a payroll check printing machine to make fraudulent checks of fake companies and then use the identification cards to cash the checks to obtain money. LLOYD was sentenced as a second felony offender to an aggregate term of 3 ½ to 7 years. Defendant alleged legally insufficient evidence because our star witness was the accomplice, that

the verdict against the weight of the evidence, that the lower court's suppression ruling was wrong, that defendant was denied his right to confront witnesses when the People did not call all the persons who had their IDs stolen, that his trial was tainted by a reference that he was then on parole, and that the sentence was harsh and excessive.

The decision to unanimously uphold the conviction can be found [here](#).

This trial was prosecuted by former Assistant District Attorney Christopher Baynes. Assistant District Attorney Vincent Stark of the Legal Affairs Bureau argued to uphold the conviction of this defendant.

People v LASEAN ANDERSON

On June 14, 2012, ANDERSON pleaded of guilty to (1) Count of Criminal Possession of a Weapon in the Second Degree and was later sentenced to 12 years in prison and five years Post-Release Supervision. Police found a loaded handgun in the trunk of a vehicle that ANDERSON had abandoned. The decision to unanimously uphold the conviction can be found [here](#).

This trial was prosecuted by Assistant District Attorney Daniel Lynch. Assistant District Attorney Vincent Stark of the Legal Affairs Bureau argued to uphold the conviction of this defendant.

People v DARRIN MILLER

On May 3, 2012 MILLER was convicted of (1) Count of Attempted Murder in the Second Degree, (1) Count of Criminal Use of a Firearm in the First Degree, and (1) Count of Criminal Possession of a Weapon in the Second Degree. In September, 2010, at approximately 4:00AM, MILLER was in the parking lot of Sneaky Pete's nightclub on Central Avenue in the City of Albany, where he pulled a .45 caliber handgun and fired four to six shots at a car speeding out of the crowded parking lot. MILLER told the police he was trying to scare the driver off and that he believed the driver was the man who had shot his brother several weeks earlier. On appeal, the defendant argued the People did not properly show intent to commit murder. The decision to unanimously uphold the conviction can be found [here](#).

There were two trials held in this case, prosecuted by former Assistant District Attorney David Gonzalez, and then Assistant District Attorney Jasper Mills. Assistant District Attorney Vincent Stark of the Legal Affairs Bureau argued to uphold the conviction of this defendant.

For more information, please contact Cecilia Walsh at (518) 275-4710.

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