

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D17395
Y/nl

_____AD3d_____

Submitted - November 27, 2007

DAVID S. RITTER, J.P.
ANITA R. FLORIO
WILLIAM E. McCARTHY
THOMAS A. DICKERSON, JJ.

2006-07085

DECISION & ORDER

The People, etc., respondent,
v Christopher McLaurin, appellant.

(Ind. No. 4650/05)

Johnathan Kaye, Whitestone, N.Y. (Andrew J. Schatkin of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Victor Barall, and Sheldon Pollock of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Feldman, J.), rendered June 30, 2006, convicting him of assault in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The Supreme Court properly granted the People's reverse-*Batson* application (*see Batson v Kentucky*, 476 US 79). The record supports the court's finding of pretext with regard to the prospective juror at issue and that finding is entitled to great deference (*see People v Hernandez*, 75 NY2d 350). Although defense counsel provided a race-neutral reason for challenging the juror, the record establishes that defense counsel did not challenge another juror with a similar background (*see People v Quito*, 43 AD3d 411). Accordingly, the challenged juror was properly seated.

The defendant's contention that he was denied the effective assistance of counsel is without merit. A review of the circumstances in totality as of the time of the representation reveals

that the defendant was afforded meaningful representation (*see People v Henry*, 95 NY2d 563, 565; *People v Baldi*, 54 NY2d 137, 147).

RITTER, J.P., FLORIO, McCARTHY and DICKERSON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court