

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

D32484
O/kmb

_____AD3d_____

Argued - September 22, 2011

DANIEL D. ANGIOLILLO, J.P.
THOMAS A. DICKERSON
CHERYL E. CHAMBERS
PLUMMER E. LOTT, JJ.

2010-00404

DECISION & ORDER

The People, etc., respondent,
v Jamal Winter, appellant.

(Ind. No. 5037/08)

Lynn W. L. Fahey, New York, N.Y. (Steven R. Bernhard of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Camille O'Hara Gillespie of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Mangano, Jr., J.), rendered January 5, 2010, convicting him of murder in the second degree, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

Contrary to the defendant's contention, the Supreme Court did not improvidently exercise its discretion in denying his motion to relieve assigned counsel. After conducting a sufficient inquiry, the Supreme Court discredited the defendant's allegations that there had been a complete breakdown of communication and trust in his relationship with counsel, a determination we decline to disturb (*cf. People v Sides*, 75 NY2d 822). Moreover, the record supports the Supreme Court's conclusions that the purpose of the motion was merely to delay the proceedings, and that assigned counsel was reasonably likely to provide the defendant with effective assistance (*see People v Linares*, 2 NY3d 507, 510; *People v Ayuso*, 80 AD3d 708, 709). Accordingly, the motion was properly denied.

ANGIOLILLO, J.P., DICKERSON, CHAMBERS and LOTT, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

October 11, 2011

PEOPLE v WINTER, JAMAL