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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 175 SSM 15
The People &c.,
Respondent,
v.
James McRae,
Appellant.

Submitted by appellant, pro se.
Submitted by Elizabeth L. Guinup, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed.
Because the accomplice testimony was corroborated with
independent evidence as well as evidence that "harmonized" with
the accomplice testimony, the evidence was legally sufficient to

support defendant's convictions (see *People v Reome*, __ NY3d __, Slip op at 8 [June 17, 2010]). Next, the trial judge did not abuse his discretion when denying defendant's eve-of-trial application to relieve his second court-appointed attorney and to appoint substitute counsel. Finally, defendant argues that the trial judge's failure to properly instruct the jury on the affirmative defense to CPL 160.15 (4) affected the entire verdict. This claim is unpreserved for our review.

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge Lippman and Judges Ciparick, Graffeo, Read, Smith, Pigott and Jones concur.

Decided July 1, 2010