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This memorandum is uncorrected and subject to revision before  
publication in the New York Reports.  
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No. 201 SSM 32  
The People &c.,  
Respondent,  
v.  
Isham Moore,  
Appellant.

Submitted by De Nice Powell, for appellant.  
Submitted by Solomon Neubort, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed.  
Defendant Isham Moore failed to establish that his attorney  
provided ineffective assistance because of her failure to request  
a justification charge. There are sound strategic reasons for

counsel's decision not to request such a charge. And even if this were not the case, defendant cannot show that he was entitled to a justification charge under any favorable interpretation of the testimony presented at trial.

\* \* \* \* \*

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 September 2, 2010