

State of New York Court of Appeals

MEMORANDUM

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

No. 82
The People &c.,
Respondent,
v.
Arthur H. Morgan Jr.,
Appellant.

Steven M. Sharp, for appellant.
Christopher Liberati-Conant, for respondent.

MEMORANDUM:

The order of the Appellate Division should be affirmed.

There is support in the record for the trial judge's determination that the prosecutor's race-neutral reasons for exercising the peremptory challenges at issue were not pretextual (*see People v Wright*, 42 NY3d 708, 714-715 [2024]).

Defendant's challenge to the trial court's jury instruction on first-degree manslaughter as a lesser-included offense, his constitutional challenge to admission of prior testimony, and his arguments regarding the alleged use of propensity evidence in summation, as well as those concerning cross-examination of certain trial witnesses, are unpreserved. Defendant also failed to preserve his argument that his right to counsel was violated when he was interviewed by officers after a lawyer had purportedly communicated with the police for the purpose of representing him.

Defendant's remaining arguments are without merit.

Order affirmed, in a memorandum. Chief Judge Wilson and Judges Rivera, Garcia, Singas, Cannataro, Troutman and Halligan concur.

Decided October 16, 2025