

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1081

KA 20-00245

PRESENT: PERADOTTO, J.P., CARNI, LINDLEY, CURRAN, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

JONATHON WHITE, DEFENDANT-APPELLANT.

MICHAEL J. STACHOWSKI, P.C., BUFFALO (MICHAEL J. STACHOWSKI OF COUNSEL), FOR DEFENDANT-APPELLANT.

JOHN J. FLYNN, DISTRICT ATTORNEY, BUFFALO (DANIEL J. PUNCH OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Supreme Court, Erie County (Mark A. Montour, J.), rendered January 3, 2020. The judgment convicted defendant upon a jury verdict of attempted murder in the second degree and assault in the first degree.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him upon a jury verdict of attempted murder in the second degree (Penal Law §§ 110.00, 125.25 [1]) and assault in the first degree (§ 120.10 [1]) in connection with an incident during which defendant poured gasoline onto the head of his ex-girlfriend and proceeded to light her on fire. Contrary to defendant's contention, viewing the evidence in the light most favorable to the People (*see People v Contes*, 60 NY2d 620, 621 [1983]), we conclude that the evidence is legally sufficient to establish that defendant had the requisite intent for each count (*see People v Gorton*, 195 AD3d 1428, 1428 [4th Dept 2021], *lv denied* 37 NY3d 1027 [2021]).

We likewise reject defendant's contention that Supreme Court erred in denying the requests he made for substitution of counsel in August 2019 and September 2019. Assuming, *arguendo*, that defendant made "specific factual allegations of serious complaints about counsel," we conclude that the court conducted a sufficient "minimal inquiry" into whether there was "good cause" for substitution (*People v Porto*, 16 NY3d 93, 100 [2010] [internal quotation marks omitted]; *see People v Sides*, 75 NY2d 822, 824 [1990]) and thereafter reasonably concluded that defendant's complaints had no merit (*see generally People v Larkins*, 128 AD3d 1436, 1441 [4th Dept 2015], *lv denied* 27 NY3d 1001 [2016]; *People v Jaramillo*, 97 AD3d 1146, 1147 [4th Dept

2012], *lv denied* 19 NY3d 1026 [2012])).

Entered: February 4, 2022

Ann Dillon Flynn
Clerk of the Court