

State of New York Court of Appeals

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

No. 30 SSM 20
The People &c.,
Respondent,
v.
Storm N. Rivera,
Appellant.

Submitted by Kristin A. Bluvas, for appellant.
Submitted by Matthew L. Peabody, for respondent.

On review of submissions pursuant to section 500.11 of the Rules, order affirmed. On this record, defendant has not met his burden of showing that trial counsel's performance was constitutionally deficient and his claims regarding counsel's tactical decisions are based on matters dehors the record (*see People v Hymes*, 34 NY3d 1178, 1179 [2020]). Defendant's other arguments pertaining to County Court's inquiry of juror No. 6 are unpreserved (*see People v Bailey*, 32 NY3d 70, 77-79 [2018]). Defendant's remaining contentions do not require reversal. Acting Chief Judge Cannataro and Judges Rivera, Garcia, Wilson, Singas and Troutman concur.

Decided February 14, 2023