

REPRESENTATIVE CASES

Sample of Significant Oral Arguments

People v. Borukhova, 89 A.D.3d 194 (2d Dept. 2012); <http://www.youtube.com/watch?v=r11VwerOq8A>

Alan Dershowitz for Defendant-Appellant; Donna Aldea for Respondent

Two-hour oral argument in Appellate Division, ultimately affirming defendant's first-degree murder and conspiracy convictions, based entirely on circumstantial evidence, as "overwhelming" and rejecting defendant's claims of judicial bias, insufficient evidence, confrontation clause violations, erroneous admission of prejudicial hearsay, curtailment of defense case, and improper courtroom closure during voir dire.

Press: widespread news coverage of trial and appeal, including: The New Yorker, *Iphigenia in Forest Hills* (Cover Story, 5/3/10) (trial); New York Times, pg. A1, 3/10/09 (trial); New York Times, pg. A20, 2/10/11 (appeal); New York Law Journal, pg. 1, 9/24/10 (appeal); New York Law Journal, pg. 1, 2/10/11 (appeal).

People v. John Taylor, 9 N.Y.3d 129 (2007); webcast at: www.courts.state.ny.us/ctapps/taylor.htm

Five-hour oral argument in New York Court of Appeals addressing, inter alia, the constitutionality of capital punishment under the state constitution, both generally and in view of the Court's decision in People v. LaValle, 3 N.Y.3d 88 (2004), which, three years earlier, declared New York's capital punishment statute facially unconstitutional.

Oral argument used to teach appellate advocacy at Columbia University School of Law, New York University School of Law, St. John's University School of Law, and Albany Law School, and still featured as significant argument on Court of Appeals website.

Press: widespread news coverage of trial and appeal, including: New York Times, pg. A1, 9/11/07 and pg. A1, 11/6/04; New York Sun, pg. 1, 9/11/07; New York Daily News, pg. 1, 9/11/07.

Sample of Significant Successes in New York State Court of Appeals

People v. Argyris, 24 N.Y.3d 1138 (2014)

Finding that an anonymous tip could furnish reasonable suspicion to merit stop of defendant's car; distinguishing Supreme Court precedent in *Florida v. J.L.*, and limiting prior Court of Appeals precedent to the contrary.

Press: New York Law Journal, pg. A1, 11/26/14.

People v. Chisholm, 21N.Y.3d 990 (2013)

Holding that because there were no factual averments in a search warrant affidavit that afforded a basis for determining the reliability of a confidential informant, the trial court failed to determine that the magistrate substantially complied with the requirements of CPL 690.40(1) without first examining the transcript of the informant's testimony.

People v. Vasquez, 20 N.Y.3d 461 (2013)

Rejecting defendant's ineffective assistance of counsel claim notwithstanding counsel's error in failing to object to testimony about the victim's post-arrest statement for which no pre-trial CPL 710.30 notice had been given because the error was not so egregious and prejudicial as to jeopardize defendant's right to a fair trial.

People v. Wells, 15 N.Y.3d 927 (2010), cert. denied, Wells v. New York, 132 S. Ct. 123 (October 3, 2011)

Split decision rejecting defendant's Apprendi challenge to constitutionality of New York's

persistent violent felony offender statute and persistent felony offender statute; also holding, as a matter of first impression and statutory interpretation, that CPL §270.15 permits the discharge of a sworn juror prior to empanelment based on the trial court's concern that the juror might be incapable of remaining awake and attentive during the trial because of his work schedule.

People v. Grice, 100 N.Y.2d 318 (2003)

Seminal right-to-counsel case holding that the state constitutional right to counsel was not violated when the police continued to question and obtain inculpatory statements from a teenaged defendant even after his father informed a detective that an attorney was en route to the police station, because in the absence of a direct communication by defendant's attorney or the attorney's professional associate, it cannot be said that any attorney "entered" the criminal matter and, thus, triggered defendant's indelible right to counsel. Featured in multiple legal text books and hornbooks as one of the most historically significant cases in New York State's right-to-counsel law.

People v. Carr-El, 99 N.Y.2d 546 (2002)

Upholding robbery conviction against challenge of legal insufficiency in spite of the fact that the larceny occurred while the victim was sleeping and was not itself accompanied by any force, because, when the victim awoke minutes later, defendant threatened the use of force to retain the property.

People v. Ramos, 99 N.Y.2d 27 (2002)

Affirming teenaged defendant's murder conviction in spite of confession obtained during fifteen-hour delay in arraignment, which occurred so that defendant could be questioned by more experienced detectives, on grounds that defendant could not convert his unpreserved statutory claim of delay into a right-to-counsel claim, and thus gain appellate review, by merely labeling the claim "constitutional."

People v. Campbell, 97 N.Y.2d 532 (2002)

Holding, as a matter of first impression, that a claim of unreasonable delay in sentencing does not fall within the ambit of a waiver of the right to appeal, because the societal interest in preserving the integrity and legality in the imposition of sentences mandates a factual review of such claims by the Appellate Division.

In re David B. (Anonymous), 97 N.Y.2d 267 (2002)

Upholding the criteria for mental illness as defined by N.Y. Crim. Proc. Law § 330.20(1)(d) against a constitutional challenge, and deeming it the applicable standard in initial commitment and subsequent retention hearings.

People v. Henry, 95 N.Y.2d 563 (2000)

Reversing Appellate Division's finding of ineffective assistance of counsel because, while counsel did present alibi witness that testified to wrong date, defendant nonetheless received meaningful representation where counsel competently represented defendant's interests, and the alibi testimony did not diminish the legitimacy of the misidentification defense.

Sample of Significant Successes in United States Court of Appeals

Callahan v. Wilson, 863 F.3d 144 (2d Cir. 2017)

Obtained reversal of jury verdict for police officer in §1983 excessive-force case involving shooting-death of suspect on the grounds that circuit court's excessive-force jury instruction was insufficient to properly apprise jury that use of deadly force is unreasonable unless officer had probable cause to believe that suspect posed a significant threat of death or serious physical injury. Petition for Writ of Certiorari pending.

Williams v. Phillips, ___ F.3d ___, 297 Fed. Appx. 56 (2d Cir. 2008)

Notwithstanding trial counsel's failure to object to evidence of petitioner's gang affiliation being elicited at trial, petitioner was not entitled to habeas corpus relief on the basis of ineffective assistance of counsel.

Jimenez v. Walker, 458 F.3d 130 (2d Cir. 2006), cert. denied, Jimenez v. Graham, 127 S. Ct. 976 (2007) Announcing, for the first time, that the judicially-created Harris/Coleman presumption should be extended to the court's inquiry under 28 U.S.C.S. § 2254(d) and the Antiterrorism and Effective Death Penalty Act of 1996 as to whether the state court's decision was on the merits. And holding that, pursuant to this standard, the trial court's evidentiary ruling excluding heroin found in the victim's pocket, which supported the defense theory that the victim was killed because he was a drug dealer rather than because he had argued with the defendant, was not an unreasonable application of clearly established Supreme Court precedent, even if it was, perhaps, erroneous.

Harrison v. Ricks, ___ F.3d ___, 150 Fed. Appx. 95 (2d Cir. 2005)

Denying petition for habeas corpus relief on Batson grounds in spite of trial judge's inappropriate and prejudicial comments about defense counsel during jury selection, and in spite of prosecutor's use of four out of five peremptory challenges to exclude African-American jurors.

Hernandez v. Greiner, 414 F.3d 266 (2d Cir. 2005)

Holding, as a matter of first impression, that ineffective-assistance-of-counsel claim premised on appellate counsel's failure to perfect brief to highest state court after a discretionary leave grant could not be recognized on habeas because, although inmate had a constitutional right to counsel with regard to his first direct appeal, he did not have a clearly established constitutional right to counsel beyond that point and, moreover, a new rule would be created if the court found that the inmate had such a constitutional right to counsel with regard to his discretionary appeal, and under Teague, inmate could not rely on such a new rule to obtain federal habeas relief.

Singh v. Miller, ___ F.3d ___, 104 Fed. Appx. 770 (2d Cir.), cert. denied, 2004 U.S. LEXIS 8067 (2004)

Rejecting inmate's claim that he was denied a full and fair opportunity in the state courts to litigate his Fourth Amendment claim as a result of state court's denial of his request for a pre-trial Dunaway hearing, and holding that this did not amount to an "unconscionable breakdown" in New York's procedures for litigating the Fourth Amendment issue because the state courts gave the inmate several other opportunities to vindicate his Fourth Amendment rights, including an opportunity to cross-examine officer at trial about factors establishing probable cause for the arrest.

Gren v. Greiner, ___ F.3d ___, 89 Fed. Appx. 754 (2d Cir. 2004)

Holding that the state courts were not unreasonable in finding that petitioner was not "in custody" for purposes of Miranda at the time that he admitted his role in a kidnaping and murder because while petitioner made the incriminating statements to an officer stationed in his room while he was in the trauma room at the hospital, petitioner was not handcuffed, the detective asked petitioner a limited number of questions, and the nature of the detective's inquiry was "investigatory" not "accusatory."

Tueros v. Greiner, 343 F.3d 587 (2d Cir. 2003), cert. denied, Tueros v. Phillips, 541 U.S. 1047 (2004)

Holding that defense counsel's subjective belief of a duty of confidentiality to a defense witness did not amount to an "actual conflict" of interest under Supreme Court law and, thus, irrespective of adverse effect on counsel's representation, denial of defendant's habeas petition was proper.

Claudio v. Portuondo, ___ F.3d ___, 74 Fed. Appx. 120 (2d Cir. 2003)

In spite of conflicting inferences, evidence was sufficient to show that kicks to a victim's head after he had been one-punched into a coma could have contributed to victim's death, and thus, that defendant had the requisite intent to commit intentional murder.

Kennaugh v. Miller, 289 F.3d 36 (2d Cir.), cert. denied, 537 U.S. 909 (2002)

Petitioner's murder conviction, premised on witness's sudden in-court identification of petitioner following a previous inability to identify him seven months before in a line-up or photo array, was not obtained in violation of petitioner's constitutional rights where the law was not clearly established regarding in-court identifications at the time of petitioner's trial and, due to the other evidence that existed to convict defendant, and defendant's ability to cross-examine the witness about her prior inability to identify him, the in-court identification was harmless.

Bethea v. Girdich, 293 F.3d 577 (2d Cir. 2002)

Holding, as a matter of first impression, that the filing of a motion to extend the time to appeal or to file a late notice of appeal does not "restart" the one-year limitation period under the Anti-Terrorism and Effective Death Penalty Act ("AEDPA").

Jenkins v. Artuz, 294 F.3d 284 (2d Cir. 2002).

Where state appellate court did not discuss petitioner's prosecutorial-misconduct claim on direct appeal, the claim was nonetheless adjudicated on the merits as it was reduced to judgment and was therefore entitled to more deferential AEDPA review.

Reese v. Alexander, ___ F.3d ___, 37 Fed. Appx. 5 (2d Cir. 2002)

Petitioner's claim regarding the exclusion of a tape recording of the complaining witness recanting his accusations against petitioner had been presented below as an issue of state evidentiary law, and, thus, court held that petitioner failed to fairly present this claim to the state courts as a federal issue.

Smaldone v. Senkowski, 273 F.3d 133 (2d Cir. 2001), cert. denied, 535 U.S. 1017 (2002)

Holding, as a matter of first impression, that the AEDPA's one-year limitation period was not tolled for the ninety-day period in which petitioner could have, but did not, seek certiorari from the United States Supreme Court; also finding that attorney error in relying on erroneously-decided District Court decision was not a circumstance justifying equitable tolling of the limitation period.

Sellan v. Kuhlman, 261 F.3d 303 (2d Cir. 2001)

Holding, as a matter of first impression, that the state court's denial of the petitioner's Sixth Amendment claim, despite the absence of any discussion of the federal claim in the state court decision, constituted an adjudication on the merits for purposes of habeas review, entitling the state court's decision to deference; and deciding that Appellate counsel's failure to raise a likely-meritorious Gallagher claim on petitioner's direct appeal in state court – an omission that would have resulted in a grant of the writ under de novo review -- did not warrant granting the writ under the AEDPA's deferential standard of review, as the state court's decision rejecting that claim was not contrary to, or an unreasonable application of, Strickland v. Washington.

Smith v. Mann, 208 F.3d.203 (2d Cir. 2000)

State court's denial of murder defendant's severance motion did not deprive him of his Sixth Amendment rights, because his co-defendant testified at trial, and was cross-examined by his attorney. Denial of the severance motion did not violate due process, because petitioner and his co-defendant did not have antagonistic defenses. Additionally, the limitation on cross-examination of appellant's co-defendant was properly excluded on relevance grounds, and therefore did not violate petitioner's confrontation rights.

Sample of Significant Successes in State Appellate Divisions

Matter of Singas v. Engel, 155 A.D.3d 877 (2d Dept. 2017)

Landmark Article 78 decision expanding scope of criminal discovery by ruling, as a matter of first impression and statutory construction, that disclosure of Gas Chromatography records for testing of simulator solution used in calibration of breathalyzer machines is statutorily mandated in New York.

Press: New York Law Journal, pg. A1, 11/16/17; law.com, 11/16/17

People v. Powell, 153 A.D.3d 1034 (3d Dept. 2017)

Reversing double first-degree murder conviction on grounds that a juror with implied bias was improperly permitted to serve.

Press: New York Law Journal, 8/15/17; PressConnects, 8/10/17; Spectrum News, 8/11/17

People v. Masri, 124 A.D.3d 911 (2d Dept. 2015)

Reversing attempted assault conviction and dismissing indictment.

Press: Newsday, *Saddle Rock Man's Conviction Overturned in Case of Assault on Mayor*, 1/31/15

People v. Mallayev, 120 A.D.3d 1358 (2d Dept. 2014)

Upholding defendant's circumstantial first-degree murder and conspiracy convictions against challenges based on defective indictment, denial of appointment of identification expert, evidentiary error, prosecutorial misconduct and ineffective assistance of counsel.

Press: New York Times, pg. A1, 3/10/09; The New Yorker, cover story, 5/3/10; New York Law Journal, pg. 1, 2/10/11; CBS, *Judges Weigh Appeal in Sensational NY Murder Trial*, 3/5/11; Times Ledger, 2/16/11

People v. Sheehan, 106 A.D.3d 1112 (2013)

Upholding defendant's conviction of criminal possession of a weapon against a repugnancy and legal sufficiency challenge even though defendant, an abused wife, used her husband's own gun to shoot him after he allegedly threatened her life, and even though she was acquitted of murder at trial.

Press: New York Times, pg. A24, 11/11/11; New York Times, 4/26/11; CBS, *Barbara Sheehan's Weapons Possession Conviction Upheld*, 6/5/13; ABC News, *Woman Shoots Husband 11 Times, Claims Battered Woman Defense*, 9/20/11; Oprah Show, 5/14/09

People v. Colletta, 106 A.D.3d 927 (2013)

Affirming defendant's murder conviction and rejecting defendant's claim of insufficient allocution and mental incapacity to waive an insanity defense.

Matter of Brown v. Blumenfeld II, 103 A.D.3d 45 (2012)

Granting the People's Petition for a Writ of Prohibition under CPLR Article 78 and holding, as a matter of first impression, that a judge exceeded his authorized powers in precluding the People from introducing the accused's statement at trial on the grounds of an purported ethical violation when the statement was, nevertheless, not involuntary and suppression pursuant to CPL 710.20(3) was, thus, not permissible.

Press: New York Times, pg. A24, 10/31/10; New York Law Journal, pg. A1, 12/20/12

People v. Solorzano, 94 A.D.3d 1153 (2d Dept. 2012)

Rejecting defendant's claim that pre-arraignment interview conducted after his arrival in Central Booking was an unnecessary delay in arraignment, and affirming conviction.

People v. Taylor, 92 A.D.3d 961 (2d Dept. 2012)

Successful People's appeal reversing lower court's decision suppressing gun recovered from car after a negative canine sniff as an improper inventory search, and interpreting Court of Appeals' decision in People v. Gomez, 13 N.Y.3d 6 (2009) to permit court to take judicial notice of police protocol even without testimony describing required procedure.

People v. Borukhova, 89 A.D.3d 194 (2d Dept. 2012)

Upholding defendant's first-degree murder and conspiracy convictions, based entirely on circumstantial evidence, as "overwhelming" and rejecting defendant's claims of judicial bias, insufficient evidence, confrontation clause violations, erroneous admission of prejudicial hearsay, curtailment of defense case, and improper courtroom closure during voir dire.

Press: The New Yorker, *Iphigenia in Forest Hills* (Cover Story, 5/3/10); New York Times, pg. A1, 3/10/09; New York Times, pg. A20, 2/10/11; New York Law Journal, pg. 1, 9/24/10; New York Law Journal, pg. 1, 2/10/11.

People v. Griffith, 86 A.D.3d 649 (2d Dept. 2011)

Holding, as a matter of first impression, that defendant's indictment as "John Doe" for a number of

serial rapes based on his DNA profile did not trigger his Sixth Amendment right to counsel, and, thus, did not require suppression of his confessions to police.

People v. Rodriguez, 77 A.D.3d 280 (2d Dept. 2010)

Successful People's Appeal reversing lower court's credibility determinations and suppression of three kilos of cocaine, and holding that as police could have reasonably believed that defendant – an apparent stabbing victim – was lying to them about the circumstances of the crime, and that the blood in front of defendant's apartment could have belonged to a victim other than defendant, they were justified in conducting a warrantless search of defendant's apartment under the emergency doctrine.

Matter of Dowd v. Buchter, 76 A.D.3d 630 (2d Dept. 2010)

Denying defendant's Article 78 challenge to trial court's decision precluding psychiatric testimony at defendant's murder trial and imposing monetary sanctions for defendant's and defense counsel's unreasonable failure to appear for a scheduled psychiatric examination.

Matter of Sheehan v Cooperman, 66 A.D.3d 913 (2d Dept. 2009)

Denying Article 78 challenging trial court's order prohibiting defense counsel from sitting in same room as defendant during psychiatric examination and communicating with her during pendency of examination

People v. Buxton, 309 A.D.2d 872 (2d Dept. 2004)

Successful People's Appeal reversing trial court's order dismissing indictment for defective grand jury proceeding, and holding that prosecutor properly refused to call witnesses to testify on defendant's behalf in absence of waiver of immunity.

People v. Hill, 289 A.D.2d 505 (2d Dept. 2001)

Successful People's Appeal holding that police officer had probable cause to arrest defendant who was standing next to a TV on the street after he gave implausible answers to the officer's questions.

People v. Elkady, 287 A.D.2d 518 (2d Dept. 2001)

Holding, as a matter of first impression, that New York's preservation rules apply to bar a foreign national's suppression claim premised on a meritorious argument that he was denied his right to consular notification pursuant to the Vienna Convention on Consular Relations, and reasoning, in the alternative, that to the extent that the treaty does confer any individually enforceable rights, no remedy is required in the absence of a defendant's showing of prejudice.

People v. Schermerhorn, 283 A.D.2d 584 (2d Dept. 2001)

Successful People's Appeal holding that trial court erred in setting aside defendant's convictions of robbery in the first and second degree as repugnant to his acquittal of robbery in the third degree.

People ex rel Schrieber v. Warden, 282 A.D.2d 555 (2d Dept. 2001)

Successful People's Appeal holding that trial court exceeded the narrow scope of its review powers in granting defendant's petition for a writ of habeas corpus setting bail in a criminal trial after bail had been denied by arraignment court.

Sample of Significant Post-Verdict Motion Successes in State and Federal Court

People v. Christopher Loeb, Suffolk Co. Ind. No. 03122A-2012; vacated 2017

Successful 440 motion vacating defendant's conviction on grounds of police perjury and pervasive misconduct, followed by successful Motion to Dismiss Indictment resulting in dismissal with prejudice of all counts. This case resulted in the arrest and conviction of Chief of Police James Burke, and the indictment of Suffolk County DA Thomas Spota, and other senior Suffolk officials. Loeb's civil rights case against the County, Police Department, and District Attorney is pending. *Press: Newsday*, 1/31/17 (440 motion); 4/26/17 (motion to dismiss).

People v. Jalal Abodalo, Nassau Co. Ind. No. 01818N-2008; vacated, in part, 2016

440 motion vacating defendant's convictions of Sexual Abuse in the First Degree and Aggravated Sexual Abuse in the Second Degree based on finding of actual innocence. This is the first case finding actual innocence since New York State's recognition of this as a cognizable ground under CPL §440.10. Appeal currently pending.

Press: New York Law Journal, pg. A1, 8/3/16

People v. Robert Martin, Suffolk Co. Dkt. No. 2014-TRF-2608; verdict set aside 2017

Successful 330.30 motion setting aside jury verdict convicting defendant of DWI and related offenses on grounds of prosecutorial misconduct on summation.

Marini v. Adamo, 12 F.Supp.3d 549 (EDNY 2014)

Wife of rare coin dealer found liable under federal securities fraud and common law breach of fiduciary duty, unjust enrichment, and money had and received, and who had joint accounts with husband, was not liable to buyers.

Elkady v. Herbert, 2010 U.S. Dist. LEXIS 52091 (EDNY 2010)

Upholding defendant's conviction of Depraved Indifference Murder, based on his act of stabbing his estranged wife over 50 times with a 12-inch butcher knife, on habeas review, notwithstanding changes in New York State law vitiating the validity of such conviction as a reckless murder.

Singh v. Griener, 2002 U.S. Dist. LEXIS 22623 (EDNY 2002)

Rejecting defendant's confrontation clause challenge to admission of records based on medical testimony by a doctor who did not prepare the victim's autopsy report.

Sample of Significant Trial Wins

People v. Calvin Harris, Tioga Co. Ind. No. 07-28; tried in Spring 2017

At fourth trial, defendant was acquitted of murdering his wife, whose body was never found, but whose blood was found in kitchen and garage of defendant's home days after she disappeared. Highly publicized case that received extensive local and national media coverage, including full length television coverage on 48 hours and Dateline, over 10-year pendency. Handled all pre-trial and trial motion practice, including successful change of venue motion, successful motion for outtakes of media interviews over shield law objections, successful motion permitting third party culpability defense over prosecution's objections, and numerous other evidentiary motions throughout trial. Handled all DNA and bulk of scientific testimony at trial, including cross-examination of experts. Civil rights lawsuit is pending.

Press: CNN, *Calvin Harris Acquitted in 4th Trial in Wife's Killing*, 5/24/16; New York Law Journal, 5/25/16; ABC News, 5/24/16; CBS News, 5/24/16.

People v. Thomas Datre Jr., et al., Suffolk Co. Ind. No. 2716-14.

Successful Motion to Dismiss Indictment in complex illegal-dumping case based on prosecutorial misconduct in Grand Jury. Resulted in dismissal of entire indictment with leave to re-present without tainted evidence, and dismissal of 16 counts with prejudice.

Press: Newsday, *Mistrial declared in Islip Town Fraud Case*, 10/13/15

People v. Barbara Sheehan, Queens Co. Ind. No. 1124/08; tried in Fall of 2011

Complex trial of defendant, charged with Murder and convicted of Criminal Possession of a Weapon, for the shooting death of her husband, a NYC police officer, in their Queens home. Defendant asserted a justification defense premised on Battered Woman's Syndrome. Conviction and sentence affirmed by Appellate Division.

Press: New York Times, pg. A26, 11/11/11

People v. Matthew Colletta, Queens Co. Ind. No. 2399/06; tried in Fall of 2010

Defendant was convicted of Murder in the Second Degree and related offenses under a 56 count indictment for engaging in a 24-hour shooting spree on the streets of Queens, where he fired upon numerous vehicles and pedestrians while high on drugs and alcohol; he was sentenced to an aggregate prison term of 384 years to life. Successfully litigated motion to disqualify defense counsel on basis of conflict of interest, complex suppression motions, and other pre-trial and trial motions. Conviction unanimously affirmed on appeal.

Press: New York Times, 8/27/06; New York Daily News, 11/23/10;

http://www.queensda.org/newpressreleases/2010/december/coletta_sen_12_16_2010.pdf

People v. Mazoltuv Borukhova and Mikhail Mallyayev, Queens Co. Ind. No. 336/08; tried in Spring of 2009

Circumstantial, eight-week joint trial of defendants charged with Murder in the First Degree and Conspiracy for killing Borukhova's husband pursuant to an agreement for money. Both defendants were convicted of all charges and sentenced to life in prison without parole. Both convictions unanimously affirmed on appeal.

Press: New York Times, 3/10/09; CBS, 3/5/11; New Yorker, 5/3/10; New York Post, 2/9/11; Daily News, 3/11/09

People v. Farid Popal, Queens Co. Ind. No. 2186/02; tried in Spring of 2006

Circumstantial, bodyless murder case involving complex evidentiary and jurisdictional issues. Defendant was convicted of murdering his girlfriend, a young law student, and then incinerating her body at a Nassau auto shop; he was sentenced to 25 years to life. Defendant appealed on grounds of lack of geographic jurisdiction, legal insufficiency of evidence, hearsay violations, right to counsel violations, and ineffective assistance of counsel. His conviction was unanimously affirmed. People v. Popal, 62 A.D.3d 912 (2d Dept. 2009), cert. denied, Popal v. New York, 130 S. Ct. 1291 (2010).

Press: New York Daily News, 3/1/06; Queens Chronicle, 4/6/06; New York Post, 5/11/06