

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

D24915  
H/hu

\_\_\_\_\_AD3d\_\_\_\_\_

Argued - October 1, 2009

MARK C. DILLON, J.P.  
ANITA R. FLORIO  
ARIEL E. BELEN  
SHERI S. ROMAN, JJ.

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2007-06032

DECISION & ORDER

The People, etc., respondent,  
v Michael Griffin, appellant.

(Ind. No. 6609/06)

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Lynn W. L. Fahey, New York, N.Y. (Jonathan Garvin of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Diane R. Eisner, and Sara Miro of counsel), for respondent.

Appeal by the defendant from a judgment of the Supreme Court, Kings County (Ingram, J.), rendered June 18, 2007, convicting him of assault in the second degree, reckless endangerment in the second degree, leaving the scene of an incident without reporting, reckless driving, and operation of a motorcycle without the use of a helmet, upon a jury verdict, and imposing sentence.

ORDERED that the judgment is affirmed.

The defendant failed to preserve for appellate review his challenges to certain remarks made by the prosecutor during summation (*see* CPL 470.05[2]; *People v Williams*, 38 AD3d 925). In any event, the challenged remarks were either responsive to defense counsel's summation, or constituted fair comment on the evidence or inferences drawn therefrom (*see People v Rudd*, 62 AD3d 729, *lv denied* 12 NY3d 929; *see also People v Coleman*, 62 AD3d 810; *People v Ploska*, 52 AD3d 742).

November 4, 2009

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The defendant's contention that he was denied the effective assistance of counsel is without merit. Under the circumstances of this case, the defendant was afforded meaningful representation (*see People v Colon*, 61 AD3d 772).

DILLON, J.P., FLORIO, BELEN and ROMAN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court