

# State of New York Court of Appeals

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## MEMORANDUM

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

No. 111 SSM 13  
The People &c.,  
Respondent,  
v.  
William Rodriguez,  
Appellant.

Submitted by Michael J. Hutter, for appellant.  
Submitted by Sheila L. Bautista, for respondent.

### MEMORANDUM:

The order of the Appellate Division should be affirmed. Defendant's ineffective assistance of counsel claim lacks merit. Even assuming that counsel failed to assert a meritorious Confrontation Clause challenge, the alleged omission does not "involve an

issue that [was] so clear-cut and dispositive that no reasonable defense counsel would have failed to assert it,” and defendant has not demonstrated on the record “that the decision to forgo the contention could not have been grounded in a legitimate trial strategy” (People v McGee, 20 NY3d 513, 518 [2013]; see People v Baldi, 54 NY2d 137, 147 [1981]; cf. People v Turner, 5 NY3d 476, 481 [2005]).

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On review of submissions pursuant to section 500.11 of the Rules, order affirmed, in a memorandum. Chief Judge DiFiore and Judges Rivera, Stein, Fahey, Garcia, Wilson and Feinman concur.

Decided June 7, 2018