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

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No. 12  
The People &c.,  
Respondent,  
v.  
Fernando Maldonado,  
Appellant.

Louis O'Neill, for appellant.  
Solomon Neubort, for respondent.

MEMORANDUM:

The order of the Appellate Division should be reversed and a  
new trial ordered.

Following a jury trial, defendant was convicted of grand  
larceny in the first degree (Penal Law § 155.42); attempted grand  
larceny in the first degree (Penal Law §§ 110/155.42); and  
criminal possession of a forged instrument in the second degree

(Penal Law § 170.25).

Defendant appealed, arguing, among other things, that the evidence was legally insufficient to support his conviction on each count and that he was denied effective assistance of counsel. The Appellate Division unanimously affirmed defendant's convictions (People v Maldonado, 119 AD3d 610 [2d Dept 2014]).

We agree with the Appellate Division that, to the extent preserved, defendant's legal sufficiency challenges to this trial record lack merit. However, we hold that counsel's overall performance fell below the "meaningful representation" standard and defendant is entitled to a new trial (see People v Berroa, 99 NY3d 134 [2002]; see also People v Baldi, 54 NY2d 134, 147 [1981]).

\* \* \* \* \*

Order reversed and a new trial ordered, in a memorandum. Chief Judge DiFiore and Judges Abdus-Salaam, Stein, Fahey and Garcia concur. Judge Rivera concurs in the result. Judge Wilson took no part.

Decided February 16, 2017