

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

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**KA 19-01307**

PRESENT: WHALEN, P.J., SMITH, PERADOTTO, AND LINDLEY, JJ.

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THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

SAMAR K. BARRON, DEFENDANT-APPELLANT.

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ERIK TEIFKE, ACTING PUBLIC DEFENDER, ROCHESTER (SHIRLEY A. GORMAN OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (LISA GRAY OF COUNSEL), FOR RESPONDENT.

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Appeal from a judgment of the Monroe County Court (Victoria M. Argento, J.), rendered July 20, 2017. The appeal was held by this Court by order entered June 10, 2022, decision was reserved and the matter was remitted to Monroe County Court for further proceedings (206 AD3d 1687 [4th Dept 2022]). The proceedings were held and completed (Michael L. Dollinger, J.).

It is hereby ORDERED that the case is held, the decision is reserved and the matter is remitted to Monroe County Court for further proceedings in accordance with the following memorandum: Defendant appeals from a judgment convicting him, upon his plea of guilty, of manslaughter in the first degree (Penal Law § 125.20 [1]). We previously held the case, reserved decision, and remitted the matter to County Court to make and state for the record a determination whether defendant should be afforded youthful offender status (*People v Barron*, 206 AD3d 1687, 1687 [4th Dept 2022]). Upon remittal, the court, on the record, declined to adjudicate defendant a youthful offender. On resubmission, defendant contends that he was denied effective assistance of counsel at the remittal proceeding. We agree, inasmuch as defense counsel was not "sufficiently familiar with the case and defendant's background to provide meaningful representation" (*People v Saladeen*, 12 AD3d 1179, 1180 [4th Dept 2004], *lv denied* 4 NY3d 767 [2005]; see *People v Burgun*, 256 AD2d 1093, 1094 [4th Dept 1998]). We therefore hold the case, reserve decision, and remit the matter to County Court to make and state on the record a new determination whether defendant should be afforded youthful offender status.

Entered: April 28, 2023

Ann Dillon Flynn  
Clerk of the Court