

COURT OF APPEALS OF THE STATE OF NEW YORK

People v. Ramchair

8 N.Y.3d 313 (2007) · Decided March 29, 2007

SUMMARY

The New York Court of Appeals held that the defendant was not denied meaningful representation when appellate counsel did not separately argue that the trial court should have granted a mistrial. The court concluded that counsel had raised related issues, presented two substantial claims, and could reasonably have chosen to emphasize the right-to-present-a-defense claim rather than the mistrial issue. The court affirmed denial of the defendant's coram nobis petition.

CASE DETAILS

COURT	Court of Appeals of the State of New York
WRITING FOR THE COURT	Judge Pigott; Chief Judge Kaye; Judge Ciparick; Judge Graffeo; Judge Read; Judge Smith; Judge Jones, taking no part
JURISDICTION	New York
DECIDED	March 29, 2007
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from an Appellate Division order denying his petition for a writ of error coram nobis alleging ineffective assistance of appellate counsel.
STANDARD OF REVIEW	Whether appellate counsel provided meaningful representation under the standard established in People v. Baldi and People v. Stultz; on the coram nobis record, the court considered whether counsel's omission constituted ineffective assistance as a matter of law.
PRECEDENTIAL VALUE	Published precedential opinion of the New York Court of Appeals
PARTIES	Racky Ramchair v. The People of the State of New York

TOPICS

- ineffective assistance
- appellate procedure
- post-conviction relief
- criminal procedure
- right to counsel

PRACTICE AREAS

criminal appellate procedure

ineffective assistance of appellate counsel

post-conviction relief

constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether appellate counsel provided ineffective assistance by failing to argue separately that the trial court erred in denying defendant's motion for a mistrial.
2. Whether the Appellate Division properly denied defendant's petition for a writ of error coram nobis.

HOLDINGS

1. The omission did not constitute ineffective assistance of appellate counsel because counsel raised the substantive grounds underlying the mistrial motion in another appellate claim, presented two strong claims, and could reasonably have chosen to emphasize the right-to-present-a-defense argument rather than separately focusing on the mistrial application.

KEY QUOTATIONS

“Effective appellate representation by no means requires counsel to brief or argue every issue that may have merit.” (at 316)

“The fact that the specific motion for a mistrial was not highlighted and argued in greater detail does not, on this record, amount to ineffective assistance of appellate counsel as a matter of law.” (at 317)

FACTUAL BACKGROUND

Defendant was convicted after a third trial for robbery following two earlier mistrials. During the third trial, the prosecution elicited testimony that defense counsel had been present at the lineup and had not objected to its composition. Defense counsel objected, sought permission to testify in rebuttal, and moved for a mistrial, but the trial court denied both requests. On direct appeal, appellate counsel challenged the retrial on double-jeopardy grounds and the exclusion of defense counsel's rebuttal testimony, but did not separately argue that the mistrial motion should have been granted.

PROCEDURAL HISTORY

After his conviction was affirmed on direct appeal and leave to appeal was denied, defendant sought federal habeas corpus relief. The federal district court denied his existing claims but held the petition in abeyance so defendant could exhaust a claim that appellate counsel was ineffective for failing to challenge the denial of a mistrial. Defendant then filed a coram nobis petition in the Appellate Division, which denied the application without comment. The Court of Appeals granted leave to appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- People v. Turner, 5 N.Y.3d 476 (2005)
- People v. Baldi, 54 N.Y.2d 137, 147 (1981)
- People v. Stultz, 2 N.Y.3d 277, 285 (2004)
- People v. Foulks, 143 A.D.2d 1038 (2d Dep't 1988)
- People v. Valentine, 271 A.D.2d 245 (1st Dep't 2000)
- People v. Ramchair, 308 A.D.2d 601 (2d Dep't 2003)
- People v. Ramchair, 27 A.D.3d 668 (2d Dep't 2006)
- Ramchair v. Conway, 2005 WL 2786975, 2005 U.S. Dist. LEXIS 25852 (E.D.N.Y. 2005)

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