



## PEOPLE STATE NEW YORK v. EMMANUEL LONGCHAMP

538 N.Y.S.2d 60 (1989) | Cited 0 times | New York Supreme Court | February 21, 1989

Appeal by defendant from a judgment of the Supreme Court, Kings County (Meyerson, J.), rendered March 26, 1981, convicting him of criminal possession of a weapon in the third degree and bribery in the second degree (two counts), after a non-jury trial, and imposing sentence.

Ordered that the judgment is affirmed.

The defendant, who was represented by an attorney, executed a formal written waiver of a jury trial in open court after an inquiry by the court as to his understanding of the consequences of his choice (see, *People v Aponte*, 144 A.D.2d 679; *People v Harris*, 133 A.D.2d 649, 650, lv denied 70 N.Y.2d 932). Thus, we are satisfied that the defendant knowingly and intelligently waived his right to a jury trial (see generally, *People v Davis*, 49 N.Y.2d 114).

Defense counsel's failure to move for a Huntley or Mapp hearing does not constitute ineffective assistance of counsel. Since the defendant conceded, in a taped conversation, that Detective Daly had probably seen the gun, the Mapp hearing would have been futile (see, *People v Boero*, 117 A.D.2d 814). Moreover, defense counsel's decision not to seek a Huntley hearing was a legitimate part of his trial strategy, which involved demonstrating that the police officers entrapped the defendant into making the bribe offer (see, *People v Baldi*, 54 N.Y.2d 137; *People v Smith*, 126 A.D.2d 863).

