

case. Based on my supervision of the case, including presiding over the trial, I accepted -- and still accept -- Martir's representations. Moreover, even if we assume, *arguendo*, that Martir's representation fell below an objective standard of reasonableness, *see Strickland v. Washington*, 466 U.S. 668, 688-89 (1984), Jean cannot show prejudice because he refused to accept a guilty plea when represented by prior counsel, Henry J. Steinglass, and he retained Martir to try the case. He has not shown that he would have pled guilty had Martir done anything differently. Moreover, as I previously noted, the evidence of his guilt was overwhelming.

Third, in his motion for reconsideration, Jean argues for the first time that Steinglass provided ineffective assistance of counsel. Because he did not raise this argument in his original motion, it has been waived.

Accordingly, Jean's motion for reconsideration is DENIED.

SO ORDERED.

Dated: New York, New York
January 23, 2020



DENNY CHIN
United States Circuit Judge
Sitting by Designation