

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D12192
G/cb

_____AD3d_____

A. GAIL PRUDENTI, P.J.
THOMAS A. ADAMS
STEPHEN G. CRANE
PETER B. SKELOS, JJ.

2002-11550

DECISION & ORDER

The People, etc., respondent,
v Damon Warren, appellant.

(Ind. No. 159/02)

Damon Warren, Stormville, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Jacqueline M. Linares of counsel), for respondent.

Lynn W. L. Fahey, New York, N. Y. (Erica Horwitz of counsel), former appellate counsel.

Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this court dated November 29, 2004 (*People v Warren*, 12 AD3d 708), affirming a judgment of the Supreme Court, Kings County, rendered December 4, 2002.

ORDERED that the application is denied.

The appellant has failed to establish that he was denied the effective assistance of appellate counsel (*see Jones v Barnes*, 463 US 745; *People v Stultz*, 2 NY3d 277).

PRUDENTI, P.J., ADAMS, CRANE and SKELOS, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 17, 2006

PEOPLE v WARREN, DAMON