

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

D12392
Y/hu

_____AD3d_____

A. GAIL PRUDENTI, P.J.
HANITA R. FLORIO
HOWARD MILLER
GLORIA GOLDSTEIN, JJ.

1996-06931

DECISION & ORDER

The People, etc., respondent,
v Don Juan Britt, appellant.

(Ind. No. 11759/95)

Don Juan Britt, Romulus, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Joyce Slevin of counsel), for respondent.

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 December 1, 1997 (*People v Britt*, 260 AD2d 498), affirming a judgment of the Supreme Court, Kings County, rendered July 29, 1996.

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., FLORIO, MILLER and GOLDSTEIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 31, 2006

PEOPLE v BRITT, DON JUAN