

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

D13230
C/cb

_____AD3d_____

ANITA R. FLORIO, J.P.
HOWARD MILLER
ROBERT W. SCHMIDT
GABRIEL M. KRAUSMAN, JJ.

1999-04117

DECISION & ORDER

The People, etc., respondent,
v Rodrique Marthone, appellant.

(Ind. No. 3720/97)

Rodrique Marthone, Dannemora, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Johnnette Traill, and Rona I. Kugler of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Barry Stendig of counsel), former appellate counsel for appellant.

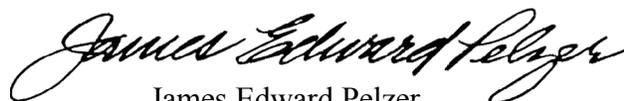
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this court dated March 19, 2001 (*People v Marthone*, 281 AD2d 562), affirming a judgment of the Supreme Court, Queens County, rendered April 15, 1999.

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).

FLORIO, J.P., MILLER, SCHMIDT and KRAUSMAN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 26, 2006

PEOPLE v MARTHONE, RODRIQUE