

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
ROBERT W. SCHMIDT
GABRIEL M. KRAUSMAN, JJ.

2001-02513

DECISION & ORDER

The People, etc., respondent,
v Darryl Byron, appellant.

(Ind. No. 113/99)

Darryl Byron, Stormville, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Sharon Y. Brodt, and William H. Branigan 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, 2003 (*People v Byron*, 2 AD3d 453), affirming a judgment of the Supreme Court, Queens County, rendered March 12, 2001.

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., MILLER, SCHMIDT and KRAUSMAN, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

January 30, 2007

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