

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

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A. GAIL PRUDENTI, P.J.
HOWARD MILLER
ROBERT W. SCHMIDT
DAVID S. RITTER, JJ.

1990-00645

DECISION & ORDER

The People, etc., respondent,
v John Smith, appellant.

(Ind. No. 1430/74)

John Smith, Malone, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano and Ellen C. Abbot 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 March 23, 1992 (*People v Smith*, 176 AD2d 834), affirming a judgment of the Supreme Court, Queens County, rendered October 12, 1988.

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 RITTER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 6, 2007

PEOPLE v SMITH, JOHN