

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

D14716
C/cb

_____AD3d_____

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
ROBERT W. SCHMIDT
STEPHEN G. CRANE, JJ.

2006-09217

DECISION & ORDER

The People, etc., respondent,
v Willie Dyla, appellant.

(Ind. No. 54479/82)

Willie Dyla, Fallsburg, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Margaret E. Mainusch and Robert A. Schwartz 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, an opinion and order of this court dated December 30, 1988 (*People v Dyla*, 142 AD2d 423), affirming a judgment of the County Court, Nassau County, rendered May 16, 1984.

ORDERED that the appellant is granted leave to serve and file a brief on the issue of whether the prosecutor's use of peremptory challenges constituted a *Batson* violation (*see Batson v Kentucky*, 476 US 79); and it is further,

ORDERED that pursuant to County Law § 722 the following named attorney is assigned as counsel to prosecute the application:

Philip L. Tomich
1000 Franklin Ave., Suite 201
Garden City, N.Y. 11530

and it is further,

April 10, 2007

PEOPLE v DYLA, WILLIE

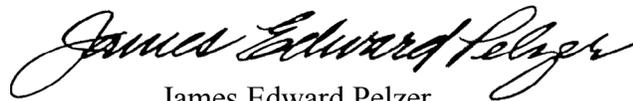
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ORDERED that assigned counsel shall prosecute the application expeditiously in accordance with this court's rules (*see* 22 NYCRR 670.1, *et seq.*) and written directions; and it is further,

ORDERED that the application is held in abeyance in the interim.

PRUDENTI, P.J., MILLER, SCHMIDT and CRANE, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style with a large initial "J".

James Edward Pelzer
Clerk of the Court