

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
STEPHEN G. CRANE
GLORIA GOLDSTEIN
JOSEPH COVELLO, JJ.

2004-05749

DECISION & ORDER

The People, etc., respondent,
v Rudy Toppin, appellant.

(Ind. No. 5033/03)

Rudy Toppin, Attica, N.Y., appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y. (David P. Greenberg of counsel), former appellate counsel.

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 February 14, 2006 (*People v Toppin*, 26 AD3d 398), affirming a judgment of the Supreme Court, Kings County, rendered June 15, 2004.

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., CRANE, GOLDSTEIN and COVELLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 15, 2007

PEOPLE v TOPPIN, RUDY