

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

D16246  
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HOWARD MILLER, J.P.  
STEPHEN G. CRANE  
GLORIA GOLDSTEIN  
PETER B. SKELOS, JJ.

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2003-00251  
2004-00848

DECISION & ORDER

The People, etc., respondent,  
v Darius Jean, appellant.

(Ind. No. 01-00321)

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Abraham Abramovsky, New York, N.Y. (Jonathan Edelstein of counsel), for appellant.

Michael E. Bongiorno, District Attorney, New City, N.Y. (Argiro Kosmetatos 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 13, 2004 (*People v Jean*, 13 AD3d 466), affirming a judgment of the County Court, Rockland County, rendered November 21, 2002, and a resentence of the same court imposed March 12, 2003.

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).

MILLER, J.P., CRANE, GOLDSTEIN and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 18, 2007

PEOPLE v JEAN, DARIUS