

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

D16986
O/kmg

_____AD3d_____

HOWARD MILLER, J.P.
ROBERT W. SCHMIDT
STEPHEN G. CRANE
JOSEPH COVELLO, JJ.

2004-08421

DECISION & ORDER

The People, etc., respondent,
v Rickey Clark, appellant.

(Ind. No. 2387/03)

Rickey Clark, Dannemora, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Karla Lato of counsel), for respondent.

Del Atwell, Montauk, N.Y., 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 November 28, 2005 (*People v Clark*, 23 AD3d 673), affirming a judgment of the Supreme Court, Suffolk County, rendered September 8, 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).

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

ENTER:



James Edward Pelzer
Clerk of the Court

November 20, 2007

PEOPLE v CLARK, RICKEY