

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

D17455
O/hu

_____AD3d_____

A. GAIL PRUDENTI, P.J.
ROBERT W. SCHMIDT
DAVID S. RITTER
GLORIA GOLDSTEIN, JJ.

1996-03400

DECISION & ORDER

The People, etc., respondent,
v Eliseo Deleon, appellant.

(Ind. No. 8153/95)

Eliseo Deleon, Dannemora, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Jodi L. Mandel of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Barry Stendig 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 June 7, 1999 (*People v Deleon*, 262 AD2d 421), affirming a judgment of the Supreme Court, Kings County, rendered March 13, 1996.

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., SCHMIDT, RITTER and GOLDSTEIN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 26, 2007

PEOPLE v DELEON, ELISEO