

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

D18361
C/kmg

_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ROBERT A. SPOLZINO, JJ.

1995-05038

DECISION & ORDER

The People, etc., respondent,
v Mark Cross, appellant.

(Ind. No. 8476/94)

Mark Cross, Fallsburg, N.Y, appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y. (Winston McIntosh 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 March 2, 1998 (*People v Cross*, 248 AD2d 398), affirming a judgment of the Supreme Court, Kings County, rendered May 16, 1995.

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., MASTRO, RIVERA and SPOLZINO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

March 11, 2008

PEOPLE v CROSS, MARK