

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

D18362
C/kmg

____AD3d____

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
EDWARD D. CARNI
WILLIAM E. McCARTHY, JJ.

2003-10531

DECISION & ORDER

The People, etc., respondent,
v Jean Marc Desmarat, appellant.

(Ind. No. 4409/02)

Jean Marc Desmarat, Dannemora, N.Y., appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y. (De Nice Powell 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 27, 2007
(*People v Desmarat*, 38 AD3d 913), affirming a judgment of the Supreme Court, Kings County
rendered November 6, 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).

MASTRO, J.P., FLORIO, CARNI and McCARTHY, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

March 11, 2008

PEOPLE v DESMARAT, JEAN MARC

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