

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

D19098  
C/kmg

\_\_\_\_\_AD3d\_\_\_\_\_

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
DAVID S. RITTER  
ANITA R. FLORIO, JJ.

---

1993-04894

DECISION & ORDER

The People, etc., respondent,  
v Herman Spencer, appellant.

(Ind. No. 5647/92)

---

Herman Spencer, Comstock, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Thomas M. Ross of counsel), for respondent.

Application by the appellant for a writ of coram nobis to vacate, in the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated August 28, 1995 (*People v Spencer*, 218 AD2d 824), affirming a judgment of the Supreme Court, Kings County, rendered July 12, 1993.

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, RITTER and FLORIO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

May 6, 2008

PEOPLE v SPENCER, HERMAN