

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
HOWARD MILLER, JJ.

2003-04623

DECISION & ORDER

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

(Ind. No. 2737/01)

Mark Rushion, Stormville, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Howard B. Goodman of counsel), for respondent.

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 February 21, 2006 (*People v Rushion*, 26 AD3d 448), affirming a judgment of the Supreme Court, Kings County, rendered May 12, 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).

PRUDENTI, P.J., MASTRO, RIVERA and MILLER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 10, 2008

PEOPLE v RUSHION, MARK