

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

D19699  
G/hu

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

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
ANITA R. FLORIO, JJ.

---

1997-09623  
1997-09626

DECISION & ORDER

The People, etc., respondent,  
v Gerald Charles, appellant.

(Ind. Nos. 12213/96, 3775/97)

---

Gerald Charles, Brooklyn, N.Y., appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y., 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 December 16, 1998 (*People v Charles*, 256 AD2d 472), affirming two judgments of the Supreme Court, Kings County, both rendered September 29, 1997.

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., RIVERA, SPOLZINO and FLORIO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 17, 2008

PEOPLE v CHARLES, GERALD