

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

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Y/kmg

_____AD3d_____

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
JOSEPH COVELLO
RANDALL T. ENG, JJ.

2003-04626

DECISION & ORDER

The People, etc., respondent,
v Gus Bethea, appellant.

(Ind. No. 1237/02)

Gus Bethea, Fallsburg, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Jodi L. Mandel, and Terry-Ann Llewellyn 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 November 8, 2006 (*People v Bethea*, 34 AD3d 489), 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).

SPOLZINO, J.P., RITTER, COVELLO and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 19, 2008

PEOPLE v BETHEA, GUS