

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

D20391  
C/prt

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

A. GAIL PRUDENTI, P.J.  
STEVEN W. FISHER  
MARK C. DILLON  
THOMAS A. DICKERSON, JJ.

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2004-03341

DECISION & ORDER

The People, etc., respondent,  
v Donald Howell, appellant.

(Ind. No. 9158/02)

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Jonathan I. Edelstein, New York, N.Y. (Robert M. Grossman of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Victor Barall 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 October 2, 2007 (*People v Howell*, 44 AD3d 686), affirming a judgment of the Supreme Court, Kings County, rendered March 31, 2004.

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., FISHER, DILLON and DICKERSON, JJ., concur.

ENTER:

  
James Edward Pelzer  
Clerk of the Court

September 23, 2008

PEOPLE v HOWELL, DONALD