

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

D20459
C/hu

_____AD3d_____

ROBERT A. SPOLZINO, J.P.
DAVID S. RITTER
HOWARD MILLER
MARK C. DILLON, JJ.

2003-05073

DECISION & ORDER

The People, etc., respondent,
v Shawn Coleman, appellant.

(Ind. No. 1967/01)

Shawn Coleman, Pine City, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Margaret E. Mainusch and Robert A. Schwartz of counsel), for respondent.

Joseph F. DeFelice, Kew Gardens, N.Y., former appellate counsel.

Application by the appellant pro se 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 6, 2007 (*People v Coleman*, 37 AD3d 489), modifying a judgment of the County Court, Nassau County, rendered May 5, 2003.

ORDERED that the appellant is granted leave to serve and file a brief on the issue of whether he was denied his right to be represented by counsel of his choice; and it is further,

ORDERED that pursuant to County Law § 722, the following named attorney is assigned as counsel:

Leon Tracy
366 No. Broadway
Suite 410-No. D9
Jericho, N.Y. 11753-2826

September 23, 2008

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ORDERED that assigned counsel shall serve and file a brief expeditiously in accordance with this court's rules (*see* 22 NYCRR 670.1 *et seq.*) and written directions; and it is further,

ORDERED that the application is held in abeyance in the interim.

SPOLZINO, J.P., RITTER, MILLER and DILLON, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive style with a large, sweeping initial "J".

James Edward Pelzer
Clerk of the Court