

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

D20497  
G/kmg

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A. GAIL PRUDENTI, P.J.  
PETER B. SKELOS  
DAVID S. RITTER  
HOWARD MILLER, JJ.

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2002-10246

DECISION & ORDER

The People, etc., respondent,  
v Patrice Smith, appellant.

(Ind. No. 3318/01)

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Patrice Smith, Malone, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Linda Breen of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Alexis A. Ascher of counsel), 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 August 1, 2005 (*People v Smith*, 21 AD3d 386), affirming a judgment of the Supreme Court, Kings County, rendered October 30, 2002.

ORDERED that the application is denied.

The appellant has failed to establish that she was denied the effective assistance of appellate counsel (*see Jones v Barnes*, 463 US 745; *People v Stultz*, 2 NY3d 277).

PRUDENTI, P.J., SKELOS, RITTER and MILLER, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 30, 2008

PEOPLE v SMITH, PATRICE