

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

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ROBERT A. SPOLZINO, J.P.  
PETER B. SKELOS  
ROBERT A. LIFSON  
RUTH C. BALKIN, JJ.

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2000-04054

DECISION & ORDER

The People, etc., respondent,  
v Theodore Folkes, a/k/a Theodore Blackstock,  
appellant.

(Ind. No. 12050/98)

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Theodore Folkes, named herein as Theodore Folkes, a/k/a Theodore Blackstock,  
Stormville, N.Y., appellant pro se.

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

Application by the appellant for a writ of error coram nobis to vacate a decision and order of this Court dated September 11, 2007 (*People v Folkes*, 43 AD3d 956), affirming a judgment of the Supreme Court, Kings County, rendered April 4, 2000, on the ground of ineffective assistance of appellate counsel.

ORDERED that the appellant is granted leave to serve and file a brief on the issue of whether appellate counsel was ineffective for failing to raise the issue that trial counsel was ineffective for failing to preserve the argument regarding legal sufficiency; and it is further,

ORDERED that pursuant to County Law § 722, the following named attorney is assigned as counsel to prosecute the application: David R. Walton, 22 Broadway, Suite 1901, New York, N.Y., 10007; and it is further,

October 7, 2008

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ORDERED that assigned counsel shall prosecute the application 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., SKELOS, LIFSON and BALKIN, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer  
Clerk of the Court