

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

D20562  
Y/hu

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

ROBERT A. SPOLZINO, J.P.  
FRED T. SANTUCCI  
DANIEL D. ANGIOLILLO  
EDWARD D. CARNI, JJ.

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2005-05465

DECISION & ORDER

The People, etc., respondent,  
v Rudolph Dick, appellant.

(Ind. No. 8822/03)

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Rudolph Dick, Elmira, N.Y., appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y. (Steven R. Bernhard 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 February 19, 2008 (*People v Dick*, 48 AD3d 697), affirming a judgment of the Supreme Court, Kings County, rendered June 21, 2005.

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., SANTUCCI, ANGIOLILLO and CARNI, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 7, 2008

PEOPLE v DICK, RUDOLPH