

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
HOWARD MILLER
JOSEPH COVELLO, JJ.

2001-09959

DECISION & ORDER

The People, etc., respondent,
v Juan Delphin, appellant.

(Ind. No. 5835/00)

Juan Delphin, Auburn, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Jodi L. Mandel 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 February 7, 2006 (*People v Delphin*, 26 AD3d 343), affirming a judgment of the Supreme Court, Kings County, rendered November 8, 2001.

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., MASTRO, MILLER and COVELLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 21, 2008

PEOPLE v DELPHIN, JUAN