

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

D21033
Y/kmg

_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
PETER B. SKELOS
ROBERT A. LIFSON, JJ.

1990-09199
1992-01635
1992-01637

DECISION & ORDER

The People, etc., respondent,
v Roger Simmonds, appellant.

(Ind. No. 6003/84)

Roger Simmonds, Staten Island, N.Y., appellant pro se.

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

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 April 6, 1992 (*People v Simmonds*, 182 AD2d 650), affirming a judgment of the Supreme Court, Kings County, rendered April 17, 1986, and dismissing appeals from two orders of the same court dated July 14, 1988, and November 22, 1989, respectively.

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).

MASTRO, J.P., RIVERA, SKELOS and LIFSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 12, 2008

PEOPLE v SIMMONDS, ROGER

November 12, 2008

PEOPLE v SIMMONDS, ROGER