

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

D21536
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_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS, JJ.

2008-07236

DECISION & ORDER

The People, etc., respondent,
v Michael Hurley, appellant.

(Ind. No. 4923/70)

Michael Hurley, Malone, N.Y., appellant pro se.

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

Joseph Slavin, Brooklyn, N.Y., 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 January 16, 1975 (*People v Hurley*, 47 AD2d 600), affirming a judgment of the Supreme Court, Kings County, rendered March 21, 1972.

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, RIVERA and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 16, 2008

PEOPLE v HURLEY, MICHAEL