

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

D21783  
C/prt

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

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
HOWARD MILLER, JJ.

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2002-06592

DECISION & ORDER

The People, etc., respondent,  
v Ivan Benjamin, a/k/a Irvin Benjamin, appellant.

(Ind. No. 4081/01)

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Ivan Benjamin, a/k/a Irvin Benjamin, Warwick, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Sharon E. Brodt, and Ushir Pandit of counsel), for respondent.

Robert DiDio, Kew Gardens, 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 December 22, 2003 (*People v Benjamin*, 2 NY3d 737), affirming a judgment of the Supreme Court, Queens County, rendered July 11, 2002.

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 MILLER, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

January 13, 2009

PEOPLE v BENJAMIN, IVAN, a/k/a BENJAMIN, IRVIN