

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

D21798
O/kmg

_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
FRED T. SANTUCCI, JJ.

1991-02504

DECISION & ORDER

The People, etc., respondent,
v Frank Pruitt, appellant.

(Ind. No. 3169/89)

Frank Pruitt, Alden, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano and Emil Bricker 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 February 1, 1993 (*People v Pruitt*, 190 AD2d 692), affirming a judgment of the Supreme Court, Queens County, rendered February 21, 1991.

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 SANTUCCI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 3, 2009

PEOPLE v PRUITT, FRANK