

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

D22074
O/prt

____AD3d____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ANITA R. FLORIO, JJ.

2002-08143

DECISION & ORDER

The People, etc., respondent,
v Joan Bongarzone-Suarrcy, appellant.

(Ind. No. 4616/01)

Joan Bongarzone-Suarrcy, Bedford Hills, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Anne C. Feigus of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Steven R. Bernhard 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 December 6, 2004 (*People v Bongarzone-Suarrcy*, 13 AD3d 385, *affd* 6 NY3d 787), affirming a judgment of the Supreme Court, Kings County, rendered September 5, 2002.

ORDERED that the application is denied.

The appellant has failed to establish that she 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 FLORIO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 10, 2009

PEOPLE v BONGARZONE-SUARRCY, JOAN