

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

D22638  
Y/hu

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

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO, JJ.

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1992-06877

DECISION & ORDER

The People, etc., respondent,  
v Noah Simmons, appellant.

(Ind. No. 7634/91)

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Noah Simmons, Albion, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Lori Glachman 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 March 6, 1995 (*People v Simmons*, 213 AD2d 433), affirming a judgment of the Supreme Court, Kings County, rendered September 11, 1992.

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 SPOLZINO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

March 31, 2009

PEOPLE v SIMMONS, NOAH