

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

D22726
G/prt

_____AD3d_____

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
ROBERT A. SPOLZINO
DAVID S. RITTER, JJ.

2004-06286

DECISION & ORDER

The People, etc., respondent,
v Jerry Barnes, appellant.

(Ind. No. 3100/03)

Jerry Barnes, Wallkill, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Rhea A. Grob, and Marie-Claude P. Wrenn-Myers of counsel), for respondents.

Lynn W. L. Fahey, New York, N.Y. (De Nice Powell 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 October 17, 2006 (*People v Barnes*, 33 AD3d 811), affirming a judgment of the Supreme Court, Kings County, rendered July 13, 2004.

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., RIVERA, SPOLZINO and RITTER, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

March 31, 2009

PEOPLE v BARNES, JERRY