

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

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_____AD3d_____

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

1996-01856

DECISION & ORDER

The People, etc., respondent,
v Lavonne Smith, appellant.

(Ind. No. 14862/94)

Lavonne Smith, Wallkill, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Thomas M. Ross, and Marie John-Drigo 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 December 4, 2007 (*People v Smith*, 46 AD3d 583), affirming a judgment of the Supreme Court, Kings County, rendered February 20, 1996.

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

April 7, 2009

PEOPLE v SMITH, LAVONNE