

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
HOWARD MILLER, JJ.

2000-00638
2000-00640

DECISION & ORDER

The People, etc., respondent,
v Aurello Barnes, a/k/a Escalante Barnes, appellant.

(Ind. Nos. 1001/96 and 4183/96)

Arrello Barnes, named here as Aurello Barnes, a/k/a Escalante Barnes, Ossining, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Nicoletta J. Caferri, and Ushir Pandit 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 17, 2001 (*People v Barnes*, 289 AD2d 413), affirming a judgment and an amended judgment of the Supreme Court, Queens County, both rendered January 7, 2000.

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 MILLER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 28, 2009

PEOPLE v BARNES, AURRELLO, a/k/a BARNES, ESCALANTE