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

D23748
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_____AD3d_____

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

1998-11361 DECISION & ORDER

The People, etc., respondent,
v John Covington, appellant.

(Ind. No. 432/98)

John Covington, Auburn, N.Y, appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Jill A. Gross-Marks, and Rebecca Height of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Barry Stendig 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 July 9, 2001 (*People v Covington,* 285 AD2d 515), affirming a judgment of the Supreme Court, Queens County, rendered December 2, 1998.

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

June 30, 2009

PEOPLE v COVINGTON, JOHN