

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

D23881
T/kmg

_____AD3d_____

A. GAIL PRUDENTI, P.J.
PETER B. SKELOS
MARK C. DILLON
RANDALL T. ENG, JJ.

2008-10959

DECISION & ORDER

The People, etc., respondent,
v Gilbert Estela, appellant.

(Ind. No. 4527/06)

Paul S. Brenner, New York, N.Y., for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Jodi L. Mandel of counsel), for respondent.

Application by the appellant for a writ of error coram nobis, in effect, to vacate a judgment of the Supreme Court, Kings County, rendered October 1, 2007, so that he may be resentenced nunc pro tunc and file a notice of appeal, on the ground that his attorney failed to file a notice of appeal.

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; *People v Bachert*, 69 NY2d 593; *People v Montgomery*, 24 NY2d 130).

PRUDENTI, P.J., SKELOS, DILLON and ENG, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

July 7, 2009

PEOPLE v ESTELA, GILBERT