

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

D23993  
C/kmg

\_\_\_\_\_AD2d\_\_\_\_\_

FRED T. SANTUCCI, J.P.  
ANITA R. FLORIO  
RANDALL T. ENG  
CHERYL E. CHAMBERS, JJ.

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2005-03013

DECISION & ORDER

The People, etc., respondent,  
v Brendan Donahue, appellant.

(Ind. No. 2754/03)

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Brendan Donahue, Romulus, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Thomas C. Costello of counsel), for respondent.

Robert C. Mitchell, Riverhead, N.Y. (John M. Dowden 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 April 8, 2008 (*People v Donahue*, 50 AD3d 820), affirming a judgment of the County Court, Suffolk County, rendered March 7, 2005.

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).

SANTUCCI, J.P., FLORIO, ENG and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

August 25, 2009

PEOPLE v DONAHUE, BRENDAN