

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

D24183  
O/hu

\_\_\_\_\_AD3d\_\_\_\_\_

WILLIAM F. MASTRO, J.P.  
REINALDO E. RIVERA  
ROBERT A. SPOLZINO  
PETER B. SKELOS, JJ.

---

1992-06780

DECISION & ORDER

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

(Ind. No. 2495/80)

---

Gerald Smith, Stormville, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Ann Bordley of counsel), for respondent.

David R. Walton, New York, N.Y., 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 February 4, 1985 (*People v Smith*, 108 AD2d 763), affirming a judgment of the Supreme Court, Kings County, rendered May 7, 1982.

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).

MASTRO, J.P., RIVERA, SPOLZINO and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 15, 2009

PEOPLE v SMITH, GERALD