

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

D24569
W/prt

_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
MARK C. DILLON
ANITA R. FLORIO, JJ.

1998-01591

DECISION & ORDER

The People, etc., respondent,
v Eugene Bush, appellant.

(Ind. No. 12658/96)

Eugene Bush, Ossining, N.Y., appellant pro se.

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

Harvey A. Herbert, Brooklyn, 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 December 11, 2000 (*People v Bush*, 278 AD2d 334), affirming a judgment of the Supreme Court, Kings County, rendered February 10, 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).

MASTRO, J.P., RIVERA, DILLON and FLORIO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 13, 2009

PEOPLE v BUSH, EUGENE