

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

D25746  
C/kmg

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

A. GAIL PRUDENTI, P.J.  
REINALDO E. RIVERA  
MARK C. DILLON  
RUTH C. BALKIN, JJ.

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2006-02551

DECISION & ORDER

The People, etc., respondent,  
v Robert Berry, appellant.

(Ind. No. 1636/04)

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Robert Berry, Woodbourne, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,  
Nicoletta J. Caferra, and Rebecca Height of counsel), for respondent.

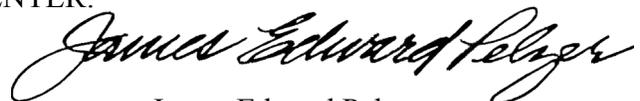
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated April 22, 2008 (*People v Berry*, 50 AD3d 1047), affirming a judgment of the Supreme Court, Queens County, rendered March 6, 2006.

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., RIVERA, DILLON and BALKIN, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

January 19, 2010

PEOPLE v BERRY, ROBERT