

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

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_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
PETER B. SKELOS
ANITA R. FLORIO, JJ.

1998-08215

DECISION & ORDER

The People, etc., respondent,
v Daryl Kelly, appellant.

(Ind. No. 97-00637)

Daryl Kelly, Stormville, N.Y., appellant pro se.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Andrew R. Kass of counsel),
for respondent.

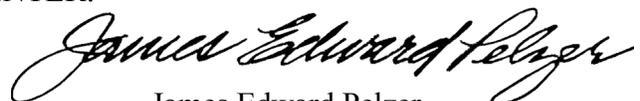
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated December 18, 2000 (*People v Kelly*, 278 AD2d 432), affirming a judgment of the County Court, Orange County, rendered August 27, 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, SKELOS and FLORIO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 19, 2010

PEOPLE v KELLY, DARYL