

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
PETER B. SKELOS
MARK C. DILLON
FRED T. SANTUCCI, JJ.

2004-05753

DECISION & ORDER

The People, etc., respondent,
v David Montero, appellant.

(Ind. No. 8285/02)

David Montero, Dannemora, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Shulamit Rosenblum Nemecek of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Anna Pervukhin 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 October 9, 2007 (*People v Montero*, 44 AD3d 796), affirming a judgment of the Supreme Court, Kings County, rendered June 21, 2004.

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., SKELOS, DILLON and SANTUCCI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 16, 2010

PEOPLE v MONTERO, DAVID