

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

D26272
W/kmg

_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
ANITA R. FLORIO
THOMAS A. DICKERSON, JJ.

2006-09757

DECISION & ORDER

The People, etc., respondent,
v Fernando Vega, appellant.

(Ind. No. 11187/05)

Fernando Vega, Marcy, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (Gary Fidel and Ayelet Sela of counsel), for respondent.

Stephen Bergstein, Chester, 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 November 12, 2008 (*People v Vega*, 56 AD3d 578), affirming a judgment of the Supreme Court, Queens County, rendered October 4, 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., MASTRO, FLORIO and DICKERSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 23, 2010

PEOPLE v VEGA, FERNANDO