

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

D27171
G/kmg

_____AD3d_____

WILLIAM F. MASTRO, J.P.
PETER B. SKELOS
ANITA R. FLORIO
THOMAS A. DICKERSON, JJ.

2005-08525

DECISION & ORDER ON APPLICATION

The People, etc., respondent,
v Steven Hobson, appellant.

(Ind. No. 2362/04)

Steven Hobson, Napanoch, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Rosalind C. Gray of counsel),
for respondent.

Joseph F. Kilada, Garden City, N.Y, former appellate counsel.

Application by the appellant pro se 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 January 22, 2008 (*People v Hobson*, 47 AD3d 840), affirming a judgment of the County Court, Suffolk County, rendered August 4, 2005.

ORDERED that the appellant is granted leave to serve and file a brief on the issue of whether former appellate counsel was ineffective for failing to raise the issue that the trial court's alleged error in charging the jury pursuant to Penal Law § 265.09(1)(b) rather than Penal Law § 265.09(1)(a) requires a new trial; and it is further,

ORDERED that pursuant to County Law § 722, the following named attorney is assigned as counsel:

Salvatore Adamo
350 Fifth Avenue, 59th Floor
New York, N.Y., 10118-0069

May 4, 2010

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and it is further,

ORDERED that assigned counsel shall serve and file a brief expeditiously in accordance with this Court's rules (*see* 22 NYCRR 670.1 *et seq.*) and written directions; and it is further,

ORDERED that the application is held in abeyance in the interim.

MASTRO, J.P., SKELOS, FLORIO and DICKERSON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court