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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
FRED T. SANTUCCI, JJ.

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1997-03551 DECISION & ORDER

The People, etc., respondent,
v Michael Martin, appellant.

(Ind. No. 1211/96)

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Michael Martin, Malone, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Nicoletta J. Caferri, and Merri Turk Lasky of counsel), for respondent.

Charles Lavine, Sea Cliff, 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 May 10, 1999 (*People v Martin,* 261 AD2d 488), affirming a judgment of the Supreme Court, Queens County, rendered April 1, 1997.

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, RIVERA and SANTUCCI, JJ., concur.

ENTER:

Matthew G. Kiernan

Matthew G. Kiernan
Clerk of the Court

December 14, 2010