

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

D29538
Y/kmb

_____AD3d_____

MARK C. DILLON, J.P.
ANITA R. FLORIO
JOHN M. LEVENTHAL
SHERI S. ROMAN, JJ.

2008-01853

DECISION & ORDER

The People, etc., respondent,
v Vinh Dinh, appellant.

(Ind. No. 1747/07)

Vinh Dinh, Malone, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Johnnette Traill, and Josette Simmons-McGhee of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Joshua M. Levine 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 February 9, 2010 (*People v Dinh*, 70 AD3d 848), affirming a judgment of the Supreme Court, Queens County, rendered February 13, 2008.

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).

DILLON, J.P., FLORIO, LEVENTHAL and ROMAN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

December 28, 2010

PEOPLE v DINH, VINH