

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

D32427
C/kmb

_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS, JJ.

2000-03088

DECISION & ORDER ON MOTION

The People, etc., respondent,
v Angel Morales, appellant.

(Ind. No. 3676/99)

Motion by the appellant pro se for leave to reargue an application for a writ of error coram nobis, which was determined by decision and order of this Court dated March 1, 2011.

Upon the papers filed in support of the motion and the papers filed in opposition thereto, it is,

ORDERED that the motion is granted and, upon reargument, the decision and order of this Court dated March 1, 2011, is recalled and vacated, and the following decision and order is substituted therefor:

Angel Morales, Wallkill, NY, appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Thomas M. Ross of counsel), for respondent.

Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, an opinion and order of this Court dated September 8, 2003 (*People v Morales*, 308 AD2d 229), affirming a judgment of the Supreme Court, Kings County, rendered March 15, 2000.

ORDERED that the appellant is granted leave to serve and file a brief on the issue of whether the verdict as to robbery in the second degree and robbery in the third degree, submitted

October 4, 2011

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to the jury as counts 7 and 8, respectively, was repugnant; and it is further,

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

*Lynn W. L. Fahey
2 Rector Street, 10th Floor
New York, N.Y. 10006*

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.

PRUDENTI, P.J., MASTRO, RIVERA and SKELOS, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court