

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

D33084
H/kmb

_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
DANIEL D. ANGIOLILLO
JOHN M. LEVENTHAL, JJ.

2006-03727

DECISION & ORDER

The People, etc., respondent,
v Melvin Butler, appellant.

(Ind. No. 5121/05)

Franzblau Dratch, P.C., New York, N.Y. (Stephen Dratch of counsel), for appellant.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Jodi L. Mandel 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, a decision and order of this Court dated March 25, 2008 (*People v Butler*, 49 AD3d 894), affirming a judgment of the Supreme Court, Kings County, rendered April 5, 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).

MASTRO, J.P., RIVERA, ANGIOLILLO and LEVENTHAL, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

November 29, 2011

PEOPLE v BUTLER, MELVIN