

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

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PETER B. SKELOS, J.P.  
RANDALL T. ENG  
LEONARD B. AUSTIN  
SHERI S. ROMAN, JJ.

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2007-08764

DECISION & ORDER

The People, etc., respondent,  
v David Mitchell, appellant.

(Ind. No. 132/07)

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David Mitchell, Stormville, N.Y., appellant pro se.

Daniel M. Donovan, Jr., District Attorney, Staten Island, N.Y. (Anne Grady of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Andrew E. Abraham 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 December 1, 2009 (*People v Mitchell*, 68 AD3d 784), affirming a judgment of the Supreme Court, Richmond County, rendered September 5, 2007.

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).

SKELOS, J.P., ENG, AUSTIN and ROMAN, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

January 24, 2012

PEOPLE v MITCHELL, DAVID