

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

D34711  
G/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

WILLIAM F. MASTRO, A.P.J.  
REINALDO E. RIVERA  
RANDALL T. ENG  
PLUMMER E. LOTT, JJ.

---

2007-02425

DECISION & ORDER

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

(Ind. No. 5335/05)

---

Sergio David, Rome, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Solomon Neubort, and Bruce Alderman 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 September 15, 2009 (*People v David*, 65 AD3d 1163), affirming a judgment of the Supreme Court, Kings County, rendered January 31, 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).

MASTRO, A.P.J., RIVERA, ENG and LOTT, JJ., concur.

ENTER:



Aprilanne Agostino  
Clerk of the Court

May 1, 2012

PEOPLE v DAVID, SERGIO