

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

D34918
H/kmb

_____AD3d_____

WILLIAM F. MASTRO, A.P.J.
REINALDO E. RIVERA
MARK C. DILLON
RUTH C. BALKIN, JJ.

2006-09949

DECISION & ORDER

The People, etc., respondent,
v Anthony Hernandez, appellant.

(Ind. No. 4271/05)

Anthony Hernandez, Dannemora, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Solomon Neubort of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (William Kastin 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 October 21, 2008 (*People v Hernandez*, 55 AD3d 849), affirming a judgment of the Supreme Court, Kings County, rendered October 11, 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, A.P.J., RIVERA, DILLON and BALKIN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

May 30, 2012

PEOPLE v HERNANDEZ, ANTHONY