

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

D35008
Y/kmb

_____AD3d_____

PETER B. SKELOS, J.P.
RUTH C. BALKIN
JOHN M. LEVENTHAL
LEONARD B. AUSTIN, JJ.

1998-08495

DECISION & ORDER

The People, etc., respondent,
v Jesse Alston, appellant.

(Ind. No. 12633/96)

Jesse Alston, Watertown, N.Y., appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y. (David P. Greenberg 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 January 22, 2001 (*People v Alston*, 279 AD2d 583), affirming a judgment of the Supreme Court, Kings County, rendered September 8, 1998.

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., BALKIN, LEVENTHAL and AUSTIN, JJ., concur.

ENTER:


Aprilanne Agostino
Clerk of the Court

June 13, 2012

PEOPLE v ALSTON, JESSE