

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

M248868
E/afa

JOHN M. LEVENTHAL, J.P.
JEFFREY A. COHEN
COLLEEN D. DUFFY
HECTOR D. LASALLE, JJ.

2012-05699

The People, etc., respondent,
v Nirun Honghirun, appellant.

DECISION & ORDER ON MOTION

(Ind. No. 1092/11)

Application by the appellant pro se 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 November 25, 2015, which was affirmed by the Court of Appeals on June 8, 2017 (*People v Honghirun*, 133 AD3d 882, *affd* 29 NY3d 284), which determined an appeal from a judgment of the Supreme Court, Queens County, rendered June 7, 2012. Motion by the appellant's former assigned counsel to vacate the judgment of conviction and dismiss the indictment, upon the appellant's death on January 19, 2018.

Upon the papers filed in support of the application and the papers filed in opposition and in relation thereto, and upon the papers filed in support of the motion and the papers filed in opposition thereto, it is

ORDERED that the application is dismissed upon the ground that the application abated upon the appellant's death (*cf. Matter of Charles C.E.*, 129 AD3d 721); and it is further,

ORDERED that the motion is denied (*see People v Marin*, 88 NY2d 931).

LEVENTHAL, J.P., COHEN, DUFFY and LASALLE, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

April 17, 2018

PEOPLE v HONGHIRUN, NIRUN