

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

D24043
W/kmg

_____AD3d_____

STEVEN W. FISHER, J.P.
FRED T. SANTUCCI
JOSEPH COVELLO
LEONARD B. AUSTIN, JJ.

2004-03712

DECISION & ORDER

The People, etc., respondent,
v Rio Jackson, appellant.

(Ind. No. 109/03)

Rio Jackson, Naponach, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Sharon Y. Brodt, and William H. Branigan of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Lisa Napoli of counsel), former appellate counsel.

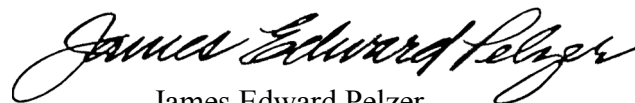
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated June 5, 2007 (*People v Jackson*, 41 AD3d 498), affirming a judgment of the Supreme Court, Queens County, rendered April 16, 2004.

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).

FISHER, J.P., SANTUCCI, COVELLO and AUSTIN, JJ., concur.

ENTER:



James Edward Pelzer

September 8, 2009

PEOPLE v JACKSON, RIO

Clerk of the Court

September 8, 2009

PEOPLE v JACKSON, RIO