

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

D12493
E/hu

_____AD3d_____

ANITA R. FLORIO, J.P.
HOWARD MILLER
DAVID S. RITTER
REINALDO E. RIVERA, JJ.

2002-07818

DECISION & ORDER

The People, etc., respondent,
v Neil Tucker, appellant.

(Ind. No. 8120/01)

Neil Tucker, Dannemora, N.Y., appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y. (David P. Greenberg of counsel), former appellate counsel.

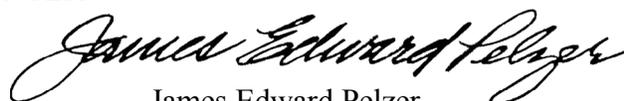
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this court dated August 1, 2005 (*People v Tucker*, 21 AD3d 387), affirming a judgment of the Supreme Court, Kings County, rendered July 29, 2002.

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).

FLORIO, J.P., MILLER, RITTER and RIVERA, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

November 8, 2006

PEOPLE v TUCKER, NEIL