

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

D13408  
T/cb

\_\_\_\_\_AD3d\_\_\_\_\_

A. GAIL PRUDENTI, P.J.  
ROBERT W. SCHMIDT  
DAVID S. RITTER  
STEVEN W. FISHER, JJ.

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2003-01948

DECISION & ORDER

The People, etc., respondent,  
v Andrew James, appellant.

(Ind. No. 2311/01)

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Arnold J. Levine, New York, N.Y., for appellant.

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

Lynn W. L. Fahey, New York, N.Y. (Joshua M. Levine 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 20, 2005 (*People v James*, 19 AD3d 616), affirming a judgment of the Supreme Court, Kings County, rendered February 25, 2003.

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).

PRUDENTI, P.J., SCHMIDT, RITTER and FISHER, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

January 9, 2007

PEOPLE v JAMES, ANDREW