

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

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_____AD3d_____

HOWARD MILLER, J.P.
DAVID S. RITTER
GLORIA GOLDSTEIN
PETER B. SKELOS, JJ.

2002-05816

DECISION & ORDER

The People, etc., respondent,
v Kim Cephus, appellant.

(Ind. No. 7337/01)

Kim Cephus, Bedford Hills, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Tziyonah M. Langsam of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Erica Horwitz 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 October 12, 2004 (*People v Cephus*, 11 AD3d 553), affirming a judgment of the Supreme Court, Kings County, rendered June 17, 2002.

ORDERED that the application is denied.

The appellant has failed to establish that she was denied the effective assistance of appellate counsel (*see Jones v Barnes*, 463 US 745; *People v Stultz*, 2 NY3d 277).

MILLER, J.P., RITTER, GOLDSTEIN and SKELOS, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 10, 2007

PEOPLE v CEPHUS, KIM