

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
HOWARD MILLER
STEPHEN G. CRANE
WILLIAM F. MASTRO, JJ.

2006-07449

DECISION & ORDER

The People, etc., respondent,
v Richard Foust, a/k/a Injah Tafari, appellant.

(Ind. No. 1085/83)

Richard Foust, a/k/a Injah Tafari, Romulus, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Thomas M. Ross of counsel), for respondent.

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 February 3, 1986 (*People v Foust*, 117 AD2d 616), affirming a judgment of the Supreme Court, Kings County, rendered October 17, 1983.

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., MILLER, CRANE and MASTRO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

April 10, 2007

PEOPLE v FOUST, RICHARD, a/k/a TAFARI, INJAH