

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

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_____AD3d_____

ROBERT W. SCHMIDT, J.P.
ROBERT A. SPOLZINO
FRED T. SANTUCCI
ANITA R. FLORIO, JJ.

2001-02524

DECISION & ORDER

The People, etc., respondent,
v Patrick Perry, appellant.

(Ind. No. 190/00)

Patrick Perry, Dannemora, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Karen Wigle Weiss, and Ellen C. Abbot of counsel), for respondent.

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

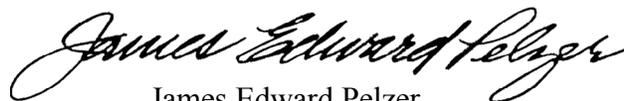
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this court dated June 20, 2005 (*People v Perry*, 19 AD3d 619), affirming a judgment of the Supreme Court, Queens County, rendered February 23, 2001.

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).

SCHMIDT, J.P., SPOLZINO, SANTUCCI and FLORIO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

May 29, 2007

PEOPLE v PERRY, PATRICK