

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

D15604  
C/cb

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

A. GAIL PRUDENTI, P.J.  
HOWARD MILLER  
ROBERT W. SCHMIDT  
WILLIAM F. MASTRO, JJ.

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1997-05267

DECISION & ORDER

The People, etc., respondent,  
v Fred Hewitt, appellant.

(Ind. No. 2565/95)

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Fred Hewitt, Ossining, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Ellen C. Abbot, and Anastasia Spanakos 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 February 16, 1999 (*People v Hewitt*, 258 AD2d 597), affirming a judgment of the Supreme Court, Queens County, rendered May 22, 1997.

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, SCHMIDT and MASTRO, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

June 19, 2007

PEOPLE v HEWITT, FRED