

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

D16784
W/kmg

_____AD3d_____

STEPHEN G. CRANE, J.P.
DAVID S. RITTER
GLORIA GOLDSTEIN
ROBERT A. LIFSON, JJ.

2001-04813

DECISION & ORDER

The People, etc., respondent,
v Enrique Zayas, appellant.

(Ind. No. 1982/00)

Enrique Zayas, Stormville, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Sharon Y. Brodt, and Rona I. Kugler of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y., 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 November 28, 2005 (*People v Zayas*, 23 AD3d 683), affirming a judgment of the Supreme Court, Queens County, rendered May 14, 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).

CRANE, J.P., RITTER, GOLDSTEIN and LIFSON, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 30, 2007

PEOPLE v ZAYAS, ENRIQUE