

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

D19605
C/hu

_____AD3d_____

ROBERT A. SPOLZINO, J.P.
ROBERT A. LIFSON
ANITA R. FLORIO
JOSEPH COVELLO, JJ.

2004-03500

DECISION & ORDER

The People, etc., respondent,
v Billy Cooper, appellant.

(Ind. No. 1282/01)

Billy Cooper, Malone, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Sharon Y. Brodt, and Laura T. Ross of counsel), for respondent.

Schwed & Zucker, Kew Gardens, N.Y. (David Zucker 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 January 23, 2007 (*People v Cooper*, 36 AD3d 828), affirming a judgment of the Supreme Court, Queens County, rendered March 4, 2004.

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).

SPOLZINO, J.P., LIFSON, FLORIO and COVELLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 10, 2008

PEOPLE v COOPER, BILLY