

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

D20390
X/kmg

_____AD3d_____

FRED T. SANTUCCI, J.P.
ANITA R. FLORIO
HOWARD MILLER
WILLIAM E. McCARTHY, JJ.

2000-03320

DECISION & ORDER

The People, etc., respondent,
v Oba Johnson, appellant.

(Ind. No. 60/99)

Oba Johnson, Sonyea, N.Y., appellant pro se.

William V. Grady, District Attorney, Poughkeepsie, N.Y. (Bridget Rahilly Steller 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 December 24, 2001 (*People v Johnson*, 289 AD2d 507), affirming a judgment of the County Court, Dutchess County, rendered April 3, 2000.

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).

SANTUCCI, J.P., FLORIO, MILLER and McCARTHY, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 16, 2008

PEOPLE v JOHNSON, OBA