

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

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O/kmg

_____AD3d_____

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
ROBERT A. SPOLZINO
DAVID S. RITTER, JJ.

2004-02291

DECISION & ORDER

The People, etc., respondent,
v Emile Moreau, appellant.

(Ind. No. 2742/02)

Emile Moreau, Stormville, N.Y., appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y. (Steven R. Bernhard 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 November 8, 2006 (*People v Moreau*, 34 AD3d 499), affirming a judgment of the Supreme Court, Queens County, rendered March 9, 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).

PRUDENTI, P.J., RIVERA, SPOLZINO and RITTER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 7, 2008

PEOPLE v MOREAU, EMILE