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

D20835
G/prt

_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ANITA R. FLORIO, JJ.

2001-02511 DECISION & ORDER

The People, etc., respondent,
v Carl Cooke, appellant.

(Ind. No. 1887/99)

Carl Cooke, Dannemora, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (Jennifer Hogan 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 April 19, 2004 (*People v Cooke,* 6 AD3d 625), affirming a judgment of the Supreme Court, Queens County, rendered March 2, 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).

PRUDENTI, P.J., MASTRO, RIVERA and FLORIO, JJ., concur.

ENTER:

James Edward Pelzer
Clerk of the Court

October 21, 2008

PEOPLE v COOKE, CARL