

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

D20842
W/prt

_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
DAVID S. RITTER
ANITA R. FLORIO, JJ.

1994-02691

DECISION & ORDER

The People, etc., respondent,
v Edward MacKenzie, appellant.

(Ind. No. 82632)

Edward MacKenzie, Ossining, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Robert A. Schwartz and Andrew Fukuda 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 September 29, 1997 (*People v MacKenzie*, 242 AD2d 739), affirming a judgment of the Supreme Court, Nassau County, rendered March 16, 1994.

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, RITTER and FLORIO, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

October 28, 2008

PEOPLE v MacKENZIE, EDWARD