

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

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_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
HOWARD MILLER
EDWARD D. CARNI, JJ.

2004-10202

DECISION & ORDER

The People, etc., respondent,
v Duane Billups, appellant.

(Ind. No. 4775/03)

Duane Billups, Ossining, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Keith Dolan of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Winston McIntosh 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 June 5, 2007 (*People v Billups*, 41 AD3d 492), affirming a judgment of the Supreme Court, Kings County, rendered November 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).

MASTRO, J.P., RIVERA, MILLER and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 3, 2009

PEOPLE v BILLUPS, DUANE