

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

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_____AD3d_____

DAVID S. RITTER, J.P.
FRED T. SANTUCCI
JOSEPH COVELLO
EDWARD D. CARNI, JJ.

2003-07437

DECISION & ORDER

The People, etc., respondent,
v Richard Morgan, appellant.

(Ind. No. 02-00368)

Richard Morgan, Comstock, N.Y., appellant pro se.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Carrie A. Ciganek of counsel),
for respondent.

Arlene Lewis, Blauvelt, N.Y., former appellate counsel.

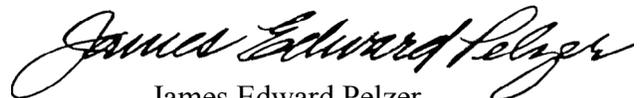
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated February 19, 2008 (*People v Morgan*, 48 AD3d 703), affirming a judgment of the County Court, Rockland County, rendered August 12, 2003.

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).

RITTER, J.P., SANTUCCI, COVELLO and CARNI, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

February 3, 2009

PEOPLE v MORGAN, RICHARD