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

D24143
G/kmg

_____AD2d_____

REINALDO E. RIVERA, J.P.
ROBERT A. SPOLZINO
ANITA R. FLORIO
DANIEL D. ANGIOLILLO, JJ.

2004-03491 DECISION & ORDER

The People, etc., respondent,
v Thiel Stapleton, appellant.

(Ind. No. 3025/02)

Thiel Stapleton, Auburn, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Johnnette Trail, and Karen Wigle Weiss 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 June 19, 2007 *(People v Stapleton*, 41 AD3d 744), affirming a judgment of the Supreme Court, Queens County, rendered March 11, 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).

RIVERA, J.P., SPOLZINO, FLORIO and ANGIOLILLO, JJ., concur.

ENTER:

James Edward Pelzer
Clerk of the Court

August 11, 2009