

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

D24353  
W/nl

\_\_\_\_\_AD3d\_\_\_\_\_

PETER B. SKELOS, J.P.  
MARK C. DILLON  
JOHN M. LEVENTHAL  
CHERYL E. CHAMBERS, JJ.

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2005-06344

DECISION & ORDER

The People, etc., respondent,  
v Kenneth Harvey, appellant.

(Ind. No. 04-00329)

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Kenneth Harvey, Gowanda, N.Y., appellant pro se.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Carrie A. Ciganek of counsel;  
Selha Abed on the memorandum), for respondent.

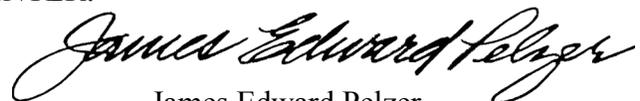
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated April 22, 2008 (*People v Harvey*, 50 AD3d 1058), affirming a judgment of the County Court, Rockland County, rendered June 2, 2005.

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).

SKELOS, J.P., DILLON, LEVENTHAL and CHAMBERS, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

September 22, 2009

PEOPLE v HARVEY, KENNETH