

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

D24362
Y/nl

_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
RUTH C. BALKIN
ARIEL E. BELEN, JJ.

2005-11991

DECISION & ORDER

The People, etc., respondent,
v William McMichael, appellant.

(Ind. No. 4517/04)

William McMichael, Auburn, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove, Phyllis Mintz, and Maria Park of counsel), for respondent.

Lynn W. L. Fahey, New York, 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 September 11, 2007 (*People v McMichael*, 43 AD3d 963), affirming a sentence of the Supreme Court, Kings County, imposed December 1, 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).

PRUDENTI, P.J., MASTRO, BALKIN and BELEN, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

September 15, 2009

PEOPLE v McMICHAEL, WILLIAM