

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
MARK C. DILLON
ANITA R. FLORIO, JJ.

2000-09764

DECISION & ORDER

The People, etc., respondent,
v Humphrey Stewart, appellant.

(Ind. No. 15852/95)

Humphrey Stewart, Auburn, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Phyllis Mintz 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 March 15, 2004 (*People v Stewart*, 5 AD3d 614), affirming a judgment of the Supreme Court, Kings County, rendered October 11, 2000.

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, DILLON and FLORIO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

October 13, 2009

PEOPLE v STEWART, HUMPHREY