

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

D24797  
O/prt

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

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
MARK C. DILLON  
HOWARD MILLER, JJ.

---

2004-05427

DECISION & ORDER

The People, etc., respondent,  
v Anthony Foster, appellant.

(Ind. No. 03-00928)

---

Anthony Foster, Napanoch, N.Y., appellant pro se.

Janet DiFiore, District Attorney, White Plains, N.Y. (Valerie A. Livingston, Richard Longworth Hecht, and Anthony J. Servino of counsel), for respondent.

Steven C. Filler, Tarrytown, 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 October 17, 2006 (*People v Foster*, 33 AD3d 814), affirming a judgment of the Supreme Court, Westchester County, rendered June 15, 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).

PRUDENTI, P.J., MASTRO, DILLON and MILLER, JJ., concur.

ENTER:



James Edward Pelzer  
Clerk of the Court

October 27, 2009

PEOPLE v FOSTER, ANTHONY