

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

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A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
PETER B. SKELOS
ANITA R. FLORIO, JJ.

2003-01656

DECISION & ORDER

The People, etc., respondent,
v David Johnson, a/k/a Tito Greene, appellant.

(Ind. No. 2439/01)

David Johnson, a/k/a Tito Greene, Stormville, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Jeanette Lifschitz, and Karen Wigle Weiss of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Steven R. Bernhard of counsel), former appellate counsel.

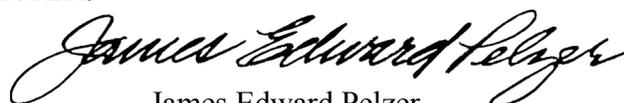
Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated October 24, 2006 (*People v Johnson*, 33 AD3d 939), affirming a judgment of the Supreme Court, Queens County, rendered January 22, 2003.

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, SKELOS and FLORIO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

December 1, 2009

PEOPLE v JOHNSON, DAVID, a/k/a GREENE, TITO