

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
HOWARD MILLER, JJ.

1998-04394

DECISION & ORDER

The People, etc., respondent,
v Tony Kempsey, appellant.

(Ind. No. 2174/92)

Tony Kempsey, Sonyea, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano,
Nicoletta J. Caferra, and Merri Turk Lasky of counsel), 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 September 24, 2001 (*People v Kempsey*, 286 AD2d 780), affirming a judgment of the Supreme Court, Queens County, rendered April 22, 1998.

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, RIVERA and MILLER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

January 12, 2010

PEOPLE v KEMPSEY, TONY