

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

D26086
C/kmg

_____AD3d_____

A. GAIL PRUDENTI, P.J.
PETER B. SKELOS
STEVEN W. FISHER
MARK C. DILLON, JJ.

2003-01646

DECISION & ORDER

The People, etc., respondent,
v Andre Rogers, appellant.

(Ind. No. 3641/01)

Andre Rogers, Elmira, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Sharon Y. Brodt, and Rona I. Kugler of counsel), for respondent.

Joseph R. Faraguna, Sag Harbor, N.Y., former appellate counsel.

Application by the defendant 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 June 6, 2005 (*People v Rogers*, 19 AD3d 437), affirming a judgment of the Supreme Court, Queens County, rendered February 6, 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., SKELOS, FISHER and DILLON, JJ., concur.

ENTER:


James Edward Pelzer
Clerk of the Court

February 9, 2010

PEOPLE v ROGERS, ANDRE