

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

D27742
W/kmg

_____AD3d_____

REINALDO E. RIVERA, J.P.
PETER B. SKELOS
ANITA R. FLORIO
HOWARD MILLER, JJ.

2000-10102

DECISION & ORDER

The People, etc., respondent,
v Eleutherius Auguste, appellant.

(Ind. No. 11195/99)

Eleutherius Auguste, Rome, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Nicoletta J. Caferri, and Ellen C. Abbot of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Reyna E. Marder 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 February 24, 2003 (*People v Auguste*, 302 AD2d 601), affirming a judgment of the Supreme Court, Queens County, rendered October 17, 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).

RIVERA, J.P., SKELOS, FLORIO and MILLER, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

June 8, 2010

PEOPLE v AUGUSTE, ELEUTHERIUS