

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

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_____AD3d_____

MARK C. DILLON, J.P.
ANITA R. FLORIO
HOWARD MILLER
DANIEL D. ANGIOLILLO, JJ.

2008-11213

DECISION & ORDER

The People, etc., respondent,
v Kenneth Armstead, appellant.

(Ind. No. 181/05)

Kenneth Armstead, Rome, N.Y., appellant pro se.

Kathleen M. Rice, District Attorney, Mineola, N.Y. (Jason P. Weinstein of counsel),
for respondent.

John F. McGlynn, Rockville Centre, 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 December 1, 2009 (*People v Armstead*, 68 AD3d 778), affirming a judgment of the Supreme Court, Nassau County, rendered November 13, 2008.

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).

DILLON, J.P., FLORIO, MILLER and ANGIOLILLO, JJ., concur.

ENTER:



James Edward Pelzer
Clerk of the Court

August 17, 2010

PEOPLE v ARMSTEAD, KENNETH