

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

D28368
G/prt

_____AD3d_____

STEVEN W. FISHER, J.P.
MARK C. DILLON
RUTH C. BALKIN
CHERYL E. CHAMBERS, JJ.

2007-01077

DECISION & ORDER

The People, etc., respondent,
v Lyle Johnson, appellant.

(Ind. No. 05-461)

B. Alan Seidler, New York, N.Y., for appellant.

Thomas P. Zugibe, District Attorney, New City, N.Y. (Itamar J. Yeger 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 23, 2008 (*People v Johnson*, 54 AD3d 969), affirming a judgment of the County Court, Rockland County, rendered December 19, 2006.

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).

FISHER, J.P., DILLON, BALKIN and CHAMBERS, JJ., concur.

ENTER:



Matthew G. Kiernan
Clerk of the Court

September 21, 2010

PEOPLE v JOHNSON, LYLE