

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

D28535
H/ct

_____AD3d_____

WILLIAM F. MASTRO, J.P.
ANITA R. FLORIO
RUTH C. BALKIN
RANDALL T. ENG, JJ.

2006-10986

DECISION & ORDER

The People, etc., respondent,
v Reginald Holmes, appellant.

(Ind. No. 6222/06)

Reginald Holmes, Auburn, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Sholom J. Twersky of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Sarah J. Berger 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 3, 2009 (*People v Holmes*, 59 AD3d 462), affirming a judgment of the Supreme Court, Kings County, rendered November 16, 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).

MASTRO, J.P., FLORIO, BALKIN and ENG, JJ., concur.

ENTER:


Matthew G. Kiernan

October 5, 2010

PEOPLE v HOLMES, REGINALD

Clerk of the Court

October 5, 2010

PEOPLE v HOLMES, REGINALD