

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

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W/kmb

_____AD3d_____

PETER B. SKELOS, J.P.
FRED T. SANTUCCI
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2007-02273

DECISION & ORDER

The People, etc., respondent,
v Sheldon Thomas, appellant.

(Ind. No. 8251/04)

Sheldon Thomas, Pine City, 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. (William Kastin 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 September 15, 2009 (*People v Thomas*, 65 AD3d 461), affirming a judgment of the Supreme Court, Queens County, rendered January 30, 2007. Application by the appellant for leave to serve and file additional papers in support of his application for a writ of error coram nobis.

ORDERED that the application for leave to serve and file additional papers is denied; and it is further,

ORDERED that the application for a writ of error coram nobis 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).

SKELOS, J.P., SANTUCCI, BALKIN and LEVENTHAL, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Matthew G. Kiernan". The signature is written in a cursive, slightly slanted style.

Matthew G. Kiernan
Clerk of the Court