

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

D29820  
C/kmb

\_\_\_\_\_AD3d\_\_\_\_\_

A. GAIL PRUDENTI, P.J.  
WILLIAM F. MASTRO  
REINALDO E. RIVERA  
MARK C. DILLON, JJ.

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2006-08896

DECISION & ORDER

The People, etc., respondent,  
v Billy Witherspoon, appellant.

(Ind. No. 2525/06)

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Billy Witherspoon, Wallkill, N.Y., appellant pro se.

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

Pamela D. Hayes, New York, 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 February 13, 2008 (*People v Witherspoon*, 48 AD3d 599), affirming a judgment of the Supreme Court, Kings County, rendered September 5, 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).

PRUDENTI, P.J., MASTRO, RIVERA and DILLON, JJ., concur.

ENTER:

  
Matthew G. Kiernan

Clerk of the Court

January 25, 2011

PEOPLE v WITHERSPOON, BILLY