

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

D31352
Y/kmb

_____AD3d_____

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON, JJ.

2004-08417

DECISION & ORDER

The People, etc., respondent,
v Dyego Foddrell, appellant.

(Ind. No. 02-01746)

Dyego Foddrell, Dannemora, N.Y., appellant pro se.

Janet DiFiore, District Attorney, White Plains, N.Y. (Lois Cullen Valerio and Richard Longworth Hecht of counsel), for respondent.

Mitchell J. Baker, White Plains, 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 September 29, 2009 (*People v Foddrell*, 65 AD3d 1375), affirming a judgment of the Supreme Court, Westchester County, rendered August 24, 2004.

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., RIVERA, ANGIOLILLO and DICKERSON, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

May 17, 2011

PEOPLE v FODDRELL, DYEGO