

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

D31568
O/ct

_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
JOSEPH COVELLO
THOMAS A. DICKERSON, JJ.

2004-06468

DECISION & ORDER

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

(Ind. No. 312/03)

Michael Johnson, Pine City, N.Y., appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y. (Jonathan M. Kratter 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 March 4, 2008 (*People v Johnson*, 49 AD3d 557), affirming a judgment of the Supreme Court, Kings County, rendered July 14, 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., MASTRO, COVELLO and DICKERSON, JJ., concur.

ENTER:


Matthew G. Kiernan

Clerk of the Court

May 31, 2011

PEOPLE v JOHNSON, MICHAEL