

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

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_____AD3d_____

A. GAIL PRUDENTI, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
ANITA R. FLORIO, JJ.

2003-02360

DECISION & ORDER

The People, etc., respondent,
v Kevin Smith, appellant.

(Ind. No. 1846/02)

Kevin Smith, Attica, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Anthea H. Bruffee of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (David P. Greenberg 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 December 6, 2004 (*People v Smith*, 13 AD3d 401), affirming a judgment of the Supreme Court, Kings County, rendered March 3, 2003.

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 FLORIO, JJ., concur.

ENTER:


Matthew G. Kiernan

June 28, 2011

PEOPLE v SMITH, KEVIN

Clerk of the Court

June 28, 2011

PEOPLE v SMITH, KEVIN