

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

D32040
H/prt

_____AD3d_____

REINALDO E. RIVERA, J.P.
PETER B. SKELOS
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2007-04073

DECISION & ORDER

The People, etc., respondent,
v Napoleon Scott, appellant.

(Ind. No. 2436/05)

Napoleon Scott, Napanoch, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Ellen C. Abbot, and Daniel Bresnahan of counsel), for respondent.

Lynn W. L. Fahey, New York, N.Y. (Paul Skip Laisure 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 August 25, 2009 (*People v Scott*, 65 AD3d 707), affirming a judgment of the Supreme Court, Queens County, rendered April 19, 2007.

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).

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

ENTER:



Matthew G. Kiernan
Clerk of the Court

July 26, 2011

PEOPLE v SCOTT, NAPOLEON