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

D32043
C/kmb

_____AD3d_____

A. GAIL PRUDENTI, P.J.
REINALDO E. RIVERA
PETER B. SKELOS
ANITA R. FLORIO, JJ.

1991-06813 DECISION & ORDER

The People, etc., respondent,
v Timothy Burnie, appellant.

(Ind. No. 10128/90)

Bernard Prince, named herein as Timothy Burnie, Comstock, N.Y., appellant pro se.

Charles J. Hynes, District Attorney, Brooklyn, N.Y. (Leonard Joblove and Rhea A. Grob of counsel), for respondent.

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 April 3, 1995 (*People v Burnie*, 214 AD2d 581), affirming a judgment of the Supreme Court, Kings County, rendered July 8, 1991.

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, SKELOS and FLORIO, JJ., concur.

ENTER:

Matthew G. Kiernan
Clerk of the Court

July 12, 2011

PEOPLE v BURNIE, TIMOTHY