

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

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_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
ANITA R. FLORIO
LEONARD B. AUSTIN, JJ.

2005-05973

DECISION & ORDER

The People, etc., respondent,
v Charles Spells, appellant.

(Ind. No. 2857/03)

Charles Spells, Stormville, N.Y., appellant pro se.

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

Lynn W. L. Fahey, New York, N.Y. (Barry Stendig 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 October 20, 2009 (*People v Spells*, 66 AD3d 924), affirming a judgment of the Supreme Court, Kings County, rendered June 1, 2005.

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).

MASTRO, J.P., RIVERA, FLORIO and AUSTIN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

October 11, 2011

PEOPLE v SPELLS, CHARLES