

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

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H/kmb

_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
PETER B. SKELOS
RUTH C. BALKIN, JJ.

2006-01339

DECISION & ORDER

The People, etc., respondent,
v Walter Morgan, appellant.

(Ind. No. 05-00433)

John F. McGlynn, Rockville Centre, N.Y., for appellant, and appellant pro se.

Francis D. Phillips II, District Attorney, Goshen, N.Y. (Robert H. Middlemiss 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 October 9, 2007 (*People v Morgan*, 44 AD3d 797), affirming a judgment of the County Court, Orange County, rendered January 17, 2006.

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, SKELOS and BALKIN, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

October 11, 2011

PEOPLE v MORGAN, WALTER