

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

D32919
G/kmb

_____AD3d_____

MARK C. DILLON, J.P.
RUTH C. BALKIN
CHERYL E. CHAMBERS
SANDRA L. SGROI, JJ.

2009-09958

DECISION & ORDER

The People, etc., respondent,
v Brunel Maxineau, appellant.

(Ind. No. 1213/08)

Brunel Maxineau, Coxsackie, N.Y., appellant pro se.

Richard A. Brown, District Attorney, Kew Gardens, N.Y. (John M. Castellano, Jeanette Lifschitz, and Suzanne D. O'Hara 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 November 3, 2010 (*People v Maxineau*, 78 AD3d 732), affirming a judgment of the Supreme Court, Queens County, rendered October 5, 2009.

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).

DILLON, J.P., BALKIN, CHAMBERS and SGROI, JJ., concur.

ENTER:


Matthew G. Kiernan
Clerk of the Court

November 15, 2011

PEOPLE v MAXINEAU, BRUNEL